

**INDIANA CODE SECTIONS  
AMENDED OR REPEALED BY PD 3030, THE FIRST DRAFT OF  
THE 2013 TECHNICAL CORRECTIONS BILL**

**(1) AMENDMENTS TO CODE SECTIONS, CODE SECTIONS ADDED, AND CODE CHAPTERS AND ARTICLES REPEALED:**

<u>SEC.</u>	<u>IC §</u>	<u>Page</u>	<u>Reason for Amendment or Addition:</u>	<u>Effective date:</u>	<u>Person who brought the problem to OCR's attention or with whom OCR consulted:</u>
1.	1-1-3.5-8	1	Omission from updating of population parameters. In 2012, SEA 115 [P.L.119-2012] amended Code sections that refer to a particular local governmental entity according to the entity's population if an amendment was necessary to ensure that a recent change in the entity's population, as determined by the 2010 decennial census, would not make the reference to the entity invalid. (For example, if a Code section authorized a certain type of loan to a particular county that was identified in the Code section as having a population of more than 170,000 but less than 180,000, but the 2010 decennial census indicated that the population of the particular county had risen to 181,000, SEA 115 amended the Code section so as to make it identify the county as having a population of more than 175,000 but less than 185,000.) SEA 115 also added to the Code a new section, IC 1-1-3.5-8, that included a subsection (e) reading in part as follows: "The following apply to the indicated sections of the Indiana Code <u>repealed during the 2012 session</u> of the general assembly: (1) The population parameters in <u>IC 9-23-2-2</u> refer to the City of Gary from April 1, 2012, to July 1, 2012. (2) The population parameters in <u>IC 9-23-2-4</u> refer to the City of Gary from April 1, 2012, to July 1, 2012." However, due to an oversight, IC 9-23-2-2 and IC 9-23-2-4 were neither repealed nor amended by SEA 115 or any other 2012 act. This SECTION amends IC 1-1-3.5-8(e) by eliminating the subdivisions (1) and (2) referring to IC 9-23-2-2 and IC 9-23-2-4 as having been repealed in 2012. This SECTION also adds to IC 1-1-3.5-8 a new subsection (i) providing that "amendments to change the population parameters in IC 36-2-13-15.3 are effective April 1, 2012" and a new subsection (j) providing that, in every bill SECTION enacted in 2012 that contains an amendment to a population parameter and that (according to its effective date provision) takes effect <i>after</i> April 1, 2012, the amendment to the population parameter takes effect April 1, 2012.	April 1, 2012 (retroactive)	Bob Rudolph, LSA attorney [brought problem to OCR's attention]
2.	2-5.5	2	Repealing unneeded article. The Code contains two articles, IC 2-5 (Legislative Agencies and Study Committees) and IC 2-5.5 (Temporary Legislative Study Committees) to contain chapters concerning study committees. The original idea for having two separate articles was that IC 2-5.5 would be set aside for chapters	Upon passage	

concerning temporary study committees and IC 2-5 would contain chapters concerning study committees having no pre-established date of termination. However, in recent years this arrangement has been called into question. At the Code Revision Commission meeting of September 29, 2010, OCR director John Stieff spoke in favor of eliminating IC 2-5.5 and placing all chapters concerning study committees into IC 2-5. At present there is only one chapter remaining in IC 2-5.5. That chapter, IC 2-5.5-3 (Lakes Management Work Group), will expire by its own terms before the 2013 legislative session. [IC 2-5.5-3-10: "This chapter expires July 1, 2012."] This SECTION repeals the article IC 2-5.5.

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| 3. | 3-11-4-17 | 2 | <p>Conflict resolution. IC 3-11-4-17 was amended in different ways by two 2012 acts, HEA 1004 [P.L.96-2012] and SEA 175 [P.L.121-2012]. Consequently, the Indiana Code now contains two versions of IC 3-11-4-17. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 3-11-4-17.</p>   | Upon passage |
| 4. | 4-3-3-1.1 | 3 | <p>Missing conjunction. Subsection (f)(1) of IC 4-3-3-1.1, which concerns retirement benefits for a former governor who begins receiving benefits between the ages of 62 and 65, is tabulated in the "sentence" style and contains two clauses, each of which sets forth a certain type of benefit. Subsection (f)(1) reads in context as follows: "(f) With respect to a governor who is entitled to a retirement benefit under subsection (b):</p> <p style="padding-left: 40px;">(1) if he chooses to begin receiving his retirement benefit on or after the date he reaches age sixty-two (62) years but before he reaches age sixty-five (65) years, he may choose to receive:</p> <p style="padding-left: 80px;">(A) the retirement benefits he is entitled to, if any, from the public employees' retirement fund;</p> <p style="padding-left: 80px;">(B) forty percent (40%) of the governor's annual salary set in IC 4-2-1-1 for the remainder of his life; or</p> <p style="padding-left: 40px;">(2) ...".</p> <p>Because there are only two clauses in subsection (f)(1), there should be a conjunction -- either "and" or "or" -- at the end of clause (A) to indicate whether a former governor retiring between 62 and 65 receives <i>both</i> the benefit set forth in clause (A) and the benefit set forth in clause (B) or <i>only one</i> of the two types of benefits. The conjunction has been missing from subsection (f)(1) since IC 4-3-3-1.1 was amended in 1998. Before 1998, subsection (f)(1) contained three clauses and read: "... a governor who ... chooses to begin receiving his retirement benefit (between 62 and 65) ... may choose to receive:</p> <p style="padding-left: 40px;">(A) the retirement benefits he is entitled to, if any, from the public employees' retirement fund;</p> <p style="padding-left: 40px;">(B) forty percent (40%) of the governor's highest annual salary ... for the remainder of his life; <u>or</u></p> | Upon passage |

(C) twenty-one thousand five hundred dollars (\$21,500) each year for the remainder of his life; or

(2) ...".

Clearly, in the pre-1998 version of subsection (f)(1), because the second-last clause ended with "or," a former governor retiring between 62 and 65 had to choose one of the types of retirement benefits. The 1998 amendment mistakenly eliminated the conjunction at the end of the second-last clause. It struck clause (C), leaving subsection (f)(1) with only two clauses, but it did not insert a conjunction at the end of clause (A), which had become the second-last clause due to the elimination of clause (C). The "or" at the end of clause (B) was left in place, but it no longer performed its former function of indicating that the clauses of (f)(1) applied disjunctively; because of the elimination of clause (C), the "or" at the end of clause (B), which was now the conjunction at the end of (f)(1), took on the function of indicating that *subdivisions (f)(1) and (f)(2)* applied disjunctively. Because it was an error for the 1998 amendment to leave the second-last clause of subsection (f)(1) without a conjunction to indicate whether the clauses of (f)(1) apply disjunctively or conjunctively, because the clauses of (f)(1) applied disjunctively before the 1998 amendment, and because the circumstances of the 1998 amendment suggest strongly that the amendment was not intended to alter the disjunctive application of the clauses of (f)(1), this SECTION amends IC 4-3-3-1.1 by inserting "**or**" at the end of clause (A) in subsection (f)(1).

5.	4-13-1-25	5	Omitted words and replacing singular with plural. In subsection (f) of IC 4-13-1-25, as added by HEA 1052 [P.L.14-2012], the first sentence reads: "Purchasers may participate in the solicitation of <u>purchase</u> of emergency services equipment." Since this sentence refers to multiple purchasers, each of which would be making its own purchases, and the sentence therefore presumably contemplates <i>multiple purchases</i> , this SECTION replaces "purchase" in the sentence with "purchases", making the sentence read: "Purchasers may participate in the solicitation of <u>purchases</u> of emergency services equipment." This SECTION also inserts into the second sentence of IC 4-13-1-25 the words "purchases of" so as to make the second sentence match the first sentence. With this change, the second sentence will read: "To participate in the solicitation of <u>purchases of</u> emergency services equipment, a purchaser must ...".	Upon passage	Bob Rudolph, LSA attorney [brought problem to OCR's attention]
6.	4-13-19-10	5	Expired subsection. Subsection (e) of IC 4-13-19-10 has expired by its own terms. ("This subsection expires December 31, 2009.") This SECTION amends IC 4-13-19-10 by striking the expired subsection (e).	Upon passage	
7.	4-23-7.1-37	6	Missing conjunction. Subsection (b) of IC 4-23-7.1-37, which sets forth certain qualifications for the position of director of the state library, is tabulated in the "sentence" style and contains three subdivisions, each of	Upon passage	

which sets forth a particular qualification. Subsection (b) reads as follows:

"To qualify for the position of director, a person must:

- (1) be a graduate of a college or university of recognized standing;
- (2) have had special training in the technique and organization of library service;
- (3) possess such other qualifications as the board, in its discretion, may deem necessary."

There should be a conjunction -- either "and" or "or" -- at the end of subdivision (2) to indicate whether a candidate for the director's position must meet all three qualifications or just one. The conjunction has been missing from subsection (b) since IC 4-23-7.1-37 was added to the Code in 1981. However, the 1981 act that added IC 4-23-7.1-37 to the Code was a revision and restatement of the prior law concerning the state library and the state historical bureau, and IC 4-23-7.1-37 was a revised version of a previous Code section, IC 4-23-7-16, which read as follows: "The library and historical board shall appoint a director of the library and a director of the historical bureau. Each of the directors so appointed shall be a graduate of a college or university of recognized standing, and, in addition thereto, the director of the library shall have had special training in the technique and organization of library service ... the directors shall likewise possess such other qualifications as the board, in its discretion, may deem necessary to qualify such person for the position to which he shall have been appointed." Clearly, in the former IC 4-23-7-16 the three qualifications applied conjunctively -- a candidate for the library director's position *needed to meet all three*. Because it was an error for the 1981 act adding IC 4-23-7.1-37 to leave the second-last subdivision of 4-23-7.1-37(b) without a conjunction to indicate whether the three qualifications set forth in the subdivisions of subsection (b) apply disjunctively or conjunctively, because IC 4-23-7.1-37 was no doubt intended to preserve the substance of the antecedent Code section (IC 4-23-7-16), and because the three qualifications applied conjunctively in the antecedent Code section, this SECTION amends IC 4-23-7.1-37 by inserting the conjunction "**and**" at the end of subdivision (2) in subsection (b).

8. 4-23-7.1-39.1 6

IC 4-23-7.1-39.1, as added by HEA 1283 [P.L.84-2012], establishes the state library advisory council and provides for the library and historical board to appoint the advisory council's members. Subsection (e) of IC 4-23-7.1-39.1 authorizes the library and historical board to remove a member of the advisory council if the member "misses a majority of the advisory council's meetings in a calendar year". Of course, the removal of a member of the advisory council would create a vacancy on the advisory council, and subsection (e) seems to provide for the appointment of a new member to replace a member who has been removed for missing meetings. However, the wording used in subsection (e) is problematic. Subsection (e) states: " ... if a member misses a majority of the advisory council's meetings in a calendar year, the board may remove the member and reappoint a

Upon passage Steve Wenning,  
LSA attorney  
[brought problem to  
OCR's attention]

member to serve the remainder of the term." The word "reappoint" means "to appoint again" (Webster's Third New International Dictionary). In the context of IC 4-23-7.1-39.1, "reappoint a member" must mean that the library and historical board, having appointed all of the advisory council's members, may remove a member for missing meetings and then "appoint again," i.e., appoint a *different* individual to occupy the same position on the advisory council formerly occupied by the individual who was removed for missing meetings. To eliminate the potential confusion arising from the use of "reappoint", this SECTION amends IC 4-23-7.1-39.1(e) as follows: " ... the board may remove the member and **reappoint appoint a new member to serve the remainder of the term of the member removed under this subsection.**"

9.	5-13-9-5.7	7	Confusion between date and time period. IC 5-13-9-5.7, as added by SEA 191 [P.L.43-2012], includes a subsection (a) requiring the fiscal body of a political subdivision to adopt an investment policy. Subdivision (6) of subsection (a) provides that the investment policy must "state a <u>date</u> on which the policy expires, <u>which may not exceed four (4) years.</u> " Of course, it is problematic to provide that "a date ... may not exceed four years". A <i>date</i> is a single, particular day and <i>four years</i> is a span of 1,461 days. No doubt the intent of subdivision (6) was to provide that the expiration date of the investment policy must be <i>set</i> no more than four years <i>in the future</i> . To bring out this clearly intended meaning, this SECTION revises subdivision (6) to provide that an investment policy must "state a date on which the policy expires, which may not <u>be more than</u> four (4) years <u>after the date on which the policy takes effect.</u> "	Upon passage	Mike Landwer, LSA attorney [brought problem to OCR's attention]
10.	5-22-1-0.1	8	Revising statement of date after which amended Code section applies. SEA 490 of 2011 [P.L.220-2011] converted a number of noncode SECTIONS enacted between 1984 and 2010 into new Code sections. One new Code section that was created from a former noncode SECTION and was added to the Code by P.L.220-2011 is IC 5-22-1-0.1. IC 5-22-1-0.1, which remains in the Code, reads: "The amendments made to section 3 of this chapter by P.L.222-2005 apply only to a contract entered into or renewed after <u>May 11, 2005.</u> " The noncode SECTION on which IC 5-22-1-0.1 was based was SECTION 52 of P.L.222-2005, which read: "IC 5-22-1-3 ... as amended by this act ... (applies) only to a contract entered into or renewed after the effective date of this act." Both the SECTION of P.L.222-2005 that amended IC 5-22-1-3 (SECTION 24) and SECTION 52 of P.L.222-2005 were effective "upon passage". Because P.L.222-2005 was approved May 11, 2005, SECTIONS 24 and 52 of P.L.222-2005 took effect <u>May 11, 2005.</u> Therefore -- insofar as P.L.222-2005 is concerned -- the text of IC 5-22-1-0.1 is correct in providing that "(t)he amendments made to (IC 5-22-1-3) by P.L.222-2005 apply only to a contract entered into or renewed after <u>May 11, 2005.</u> " However, it has come to light that, besides P.L.222-2005, there was <i>another</i> 2005 act, <i>P.L.165-2005</i> , that amended IC 5-22-1-3, and the SECTION in P.L.165-2005 amending IC 5-22-1-3 was <i>identical</i>	Upon passage	

to the SECTION in P.L.220-2011 amending IC 5-22-1-3. In addition, P.L.165-2005 contained a noncode SECTION concerning the application of P.L.165-2005's amendment of IC 5-22-1-3 to contracts which was identical to SECTION 52 of P.L.222-2005. In other words, P.L.165-2005 and P.L.222-2005 were identical with respect to their amendment of IC 5-22-1-3. And while the text of IC 5-22-1-0.1 properly addresses P.L.222-2005's amendment of IC 5-22-1-3, it is silent on *P.L.165-2005's identical amendment* of IC 5-22-1-3. This silence is problematic because the SECTION of P.L.165-2005 that amended IC 5-22-1-3 and the noncode SECTION of P.L.165-2005 concerning the application of P.L.165-2005's amendment of IC 5-22-1-3 to contracts took effect May 6, 2005. (Those SECTIONS were effective "upon passage" and P.L.165-2005 was approved May 6, 2005.) Because P.L.165-2005's amendment of IC 5-22-1-3 was identical to P.L.222-2005's amendment of IC 5-22-1-3 and therefore P.L.165-2005's earlier date of *May 6, 2005*, is the true date as of which the P.L.165-2005/P.L.222-2005 amendment of IC 5-22-1-3 applied to contracts, this SECTION amends IC 5-22-1-0.1 as follows: "The amendments made to section 3 of this chapter by ~~P.L.222-2005~~ **in the 2005 regular session of the general assembly** apply only to a contract entered into or renewed after ~~May 11, 2005~~; **May 6, 2005.**" (Note: only P.L.165-2005 and P.L.222-2005 amended IC 5-22-1-3 in the 2005 regular session.)

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| 11. | 5-22-2-0.1 | 8 | <p>Revising statement of date after which amended Code section applies. SEA 490 of 2011 [P.L.220-2011] converted a number of noncode SECTIONS enacted between 1984 and 2010 into new Code sections. One new Code section that was created from a former noncode SECTION and was added to the Code by P.L.220-2011 is IC 5-22-2-0.1. IC 5-22-2-0.1, which remains in the Code, reads: "The amendments made to section 1 of this chapter by P.L.222-2005 apply only to a contract entered into or renewed after <u>May 11, 2005</u>." The noncode SECTION on which IC 5-22-2-0.1 was based was SECTION 52 of P.L.222-2005, which read: "... IC 5-22-2-1 ... as amended by this act ... (applies) only to a contract entered into or renewed after the effective date of this act." Both the SECTION of P.L.222-2005 that amended IC 5-22-2-1 (SECTION 25) and SECTION 52 of P.L.222-2005 were effective "upon passage". Because P.L.222-2005 was approved May 11, 2005, SECTIONS 25 and 52 of P.L.222-2005 took effect <u>May 11, 2005</u>. Therefore -- insofar as P.L.222-2005 is concerned -- the text of IC 5-22-2-0.1 is correct in providing that "(t)he amendments made to (IC 5-22-2-1) by P.L.222-2005 apply only to a contract entered into or renewed after <u>May 11, 2005</u>." However, it has come to light that, besides P.L.222-2005, there was <i>another</i> 2005 act, <i>P.L.165-2005</i>, that amended IC 5-22-2-1, and the SECTION in P.L.165-2005 amending IC 5-22-2-1 was <i>identical</i> to the SECTION in P.L.220-2011 amending IC 5-22-2-1. In addition, P.L.165-2005 contained a noncode SECTION concerning the application of P.L.165-2005's amendment of IC 5-22-2-1 to contracts which was identical to SECTION 52 of P.L.222-2005. In other words, P.L.165-2005 and P.L.222-2005 were identical with respect to their amendment of IC 5-22-2-1. And while the text of IC 5-22-2-0.1</p> | Upon passage |
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properly addresses P.L.222-2005's amendment of IC 5-22-2-1, it is silent on *P.L.165-2005's identical amendment* of IC 5-22-2-1. This silence is problematic because the SECTION of P.L.165-2005 that amended IC 5-22-2-1 and the noncode SECTION of P.L.165-2005 concerning the application of P.L.165-2005's amendment of IC 5-22-2-1 to contracts took effect May 6, 2005. (Those SECTIONS were effective "upon passage" and P.L.165-2005 was approved May 6, 2005.) Because P.L.165-2005's amendment of IC 5-22-2-1 was identical to P.L.222-2005's amendment of IC 5-22-2-1 and therefore P.L.165-2005's earlier date of *May 6, 2005*, is the true date as of which the P.L.165-2005/P.L.222-2005 amendment of IC 5-22-2-1 applied to contracts, this SECTION amends IC 5-22-2-0.1 as follows: "The amendments made to section 1 of this chapter ~~by P.L.222-2005~~ **in the 2005 regular session of the general assembly** apply only to a contract entered into or renewed after ~~May 11, 2005~~ **May 6, 2005**." (Note: only P.L.165-2005 and P.L.222-2005 amended IC 5-22-2-1 in the 2005 regular session.)

12.	5-22-3-0.1	9	<p>Revising statement of date after which added Code section applies. SEA 490 of 2011 [P.L.220-2011] converted a number of noncode SECTIONS enacted between 1984 and 2010 into new Code sections. One new Code section that was created from a former noncode SECTION and was added to the Code by P.L.220-2011 is IC 5-22-3-0.1. IC 5-22-3-0.1, which remains in the Code, reads: "The addition of section 7 of this chapter by P.L.222-2005 applies only to a contract entered into or renewed after <u>May 11, 2005</u>." The noncode SECTION on which IC 5-22-3-0.1 was based was SECTION 52 of P.L.222-2005, which read: "... IC 5-22-3-7, as added by this act, (applies) only to a contract entered into or renewed after the effective date of this act." Both the SECTION of P.L.222-2005 that added IC 5-22-3-7 (SECTION 27) and SECTION 52 of P.L.222-2005 were effective "upon passage". Because P.L.222-2005 was approved May 11, 2005, SECTIONS 27 and 52 of P.L.222-2005 took effect <u>May 11, 2005</u>. Therefore -- insofar as P.L.222-2005 is concerned -- the text of IC 5-22-3-0.1 is correct in providing that "(t)he addition of (IC 5-22-3-7) by P.L.222-2005 applies only to a contract entered into or renewed after <u>May 11, 2005</u>." However, it has come to light that, besides P.L.222-2005, there was <i>another</i> 2005 act, <i>P.L.165-2005</i>, that added IC 5-22-3-7, and the text of IC 5-22-3-7 as added by P.L.165-2005 was <i>identical</i> to the text of IC 5-22-3-7 as added by P.L.220-2011. In addition, P.L.165-2005 contained a noncode SECTION concerning the application to contracts of the IC 5-22-3-7 added by P.L.165-2005 which was identical to SECTION 52 of P.L.222-2005. In other words, P.L.165-2005 and P.L.222-2005 were identical with respect to their addition of IC 5-22-3-7. And while the text of IC 5-22-3-0.1 properly addresses P.L.222-2005's addition of IC 5-22-3-7, it is silent on <i>P.L.165-2005's addition of an identical</i> IC 5-22-3-7. This silence is problematic because the SECTION of P.L.165-2005 that added IC 5-22-3-7 and the noncode SECTION of P.L.165-2005 concerning the application to contracts of the IC 5-22-3-7 added by P.L.165-2005 took effect <u>May 6, 2005</u>. (Those</p>	Upon passage
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SECTIONS were effective "upon passage" and P.L.165-2005 was approved May 6, 2005.) Because the IC 5-22-3-7 added by P.L.165-2005 was identical to the IC 5-22-3-7 added by P.L.222-2005 and therefore P.L.165-2005's earlier date of *May 6, 2005*, is the true date as of which the IC 5-22-3-7 added by P.L.165-2005/P.L.222-2005 applied to contracts, this SECTION amends IC 5-22-3-0.1 as follows: "The addition of section 7 of this chapter ~~by P.L.222-2005~~ **in the 2005 regular session of the general assembly** applies only to a contract entered into or renewed after ~~May 11, 2005~~ **May 6, 2005**." (Note: only P.L.165-2005 and P.L.222-2005 added IC 5-22-3-7 in the 2005 regular session.)

13.	5-28-33-3	9	Expired subsection. Subsection (c) of IC 5-28-33-3 has expired by its own terms. ("This subsection expires December 31, 2010.") This SECTION amends IC 5-28-33-3 by striking the expired subsection (c) and re-designating subsection (d) as "(c)".	Upon passage
14.	6-1.1-18-12	9	Conflict resolution. IC 6-1.1-18-12 was amended in different ways by two 2012 acts, SEA 19 [P.L.112-2012] and HEA 1072 [P.L.137-2012]. Consequently, the Indiana Code now contains two versions of IC 6-1.1-18-12. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 6-1.1-18-12.	Upon passage
15.	6-1.1-18.5-9.8	12	Conflict resolution. IC 6-1.1-18.5-9.8 was amended in different ways by two 2012 acts, HEA 1072 [P.L.137-2012] and SEA 19 [P.L.112-2012]. Consequently, the Indiana Code now contains two versions of IC 6-1.1-18.5-9.8. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 6-1.1-18.5-9.8.	Upon passage
16.	6-1.1-22.5-12	14	Expired subsection. Subsection (d) of IC 6-1.1-22.5-12 will expire by its own terms before the conclusion of the 2013 legislative session. ("This subsection expires January 1, 2013.") This SECTION amends IC 6-1.1-22.5-12 by striking the expired subsection (d) and re-designating subsections (e) and (f) as "(d)" and "(e)".	Upon passage
17.	6-1.1-35.5-4.5	16	Incorrect reference to agency. IC 6-1.1-35.5-4.5, as amended by HEA 1195 [P.L.146-2012], provides for the establishment and operation of a program for the certification of level three assessor-appraisers. The first sentence of IC 6-1.1-35.5-4.5's subsection (b) authorizes the "department of local government <i>finance</i> " to adopt rules under IC 4-22-2 to implement the section. The second sentence of IC 6-1.1-35.5-4.5's subsection (b), however, reads: "The <u>department of local government</u> may adopt temporary rules ... ". The reference to "the department of local government" in the second sentence must be	Upon passage



incorrect, as there is no Indiana entity named "the Department of Local Government". That reference must have been intended as a reference to the department of local government *finance*. Rather than correcting the reference by inserting "finance" after "department of local government", however, this SECTION strikes "of local government" because, pursuant to IC 6-1.1-1-1 and IC 6-1.1-1-5.4, the single word "department", as used in the article IC 6-1.1, refers to the department of local government finance.

18.	6-1.1-37-11	17	Conflict resolution. IC 6-1.1-37-11 was amended in different ways by two 2012 acts, HEA 1072 [P.L.137-2012] and HEA 1195 [P.L.146-2012]. Consequently, the Indiana Code now contains two versions of IC 6-1.1-37-11. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 6-1.1-37-11.	Upon passage	
19.	6-2.5-3-2	18	Identifying 2012 act that amended section. IC 6-2.5-3-2 was amended by HEA 1325 [P.L.153-2012] to include a subsection (h) that reads: "The amendments made to this section <i>by the act enacted in 2012</i> shall be interpreted to specify and not to change the general assembly's intent with respect to this section." At the time subsection (h) was drafted, the drafters could not have known what public law number would be assigned to the act that was adding subsection (h) to IC 6-2.5-3-2. However, we now know that the act was assigned "P.L.153-2012". This SECTION revises subsection (h) so as to specifically identify the act, making the text of the subsection read: "The amendments made to this section by <u>P.L.153-2012</u> shall be interpreted to specify and not to change the general assembly's intent with respect to this section."	Upon passage	Mike Landwer, LSA attorney [brought problem to OCR's attention]
20.	6-2.5-8-7	19	Missing section number. IC 6-2.5-8-7 was amended in 2012 by HEA 1196 [P.L.78-2012]. Somehow the section number at the beginning of the section (i.e., "Sec. <u>7</u> .") was deleted. This SECTION amends IC 6-2.5-8-7 to restore the "7" after "Sec." at the beginning of the section.	Upon passage	
21.	6-3.1-20-4	21	Missing word. The word "dollars" is missing from subsection (a)(1) of IC 6-3.1-20-4: "the individual's earned income for the taxable year is less than eighteen thousand six hundred (\$18,600)". This SECTION amends IC 6-3.1-20-4 to insert the missing word, making the text read: "less than eighteen thousand six hundred <u>dollars</u> (\$18,600)".	Upon passage	
22.	6-3.5-1.1-25	21	Conflict resolution. IC 6-3.5-1.1-25 was amended in different ways by two 2012 acts, SEA 345 [P.L.132-2012] and HEA 1072 [P.L.137-2012]. Consequently, the Indiana Code now contains two versions of IC 6-3.5-1.1-25. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of	Upon passage	

23.	6-3.5-6-1.5	24	Expired subsection. Subsection (e) of IC 6-3.5-6-1.5 will expire by its own terms before the conclusion of the 2013 legislative session. ("This subsection expires January 1, 2013.") This SECTION amends IC 6-3.5-6-1.5 by striking the expiring subsection (e).	Upon passage
24.	6-3.5-6-31	25	Conflict resolution. IC 6-3.5-6-31 was amended in different ways by two 2012 acts, SEA 345 [P.L.132-2012] and HEA 1072 [P.L.137-2012]. Consequently, the Indiana Code now contains two versions of IC 6-3.5-6-31. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 6-3.5-6-31.	Upon passage
25.	7.1-3-1.5-13	29	Expired subsection. Subsection (a) of IC 7.1-3-1.5-13 has expired by its own terms. ("This subsection expires May 1, 2011.") This SECTION amends IC 7.1-3-1.5-13 by striking the expired subsection (a), re-designating subsections (b), (c), (d), and (e) as "(a)", "(b)", "(c)", and "(d)", and revising two subsection references in the second-last subsection accordingly.	Upon passage
26.	7.1-3-20-7	29	Replacing ungrammatical relative pronoun. Subsection (a) of IC 7.1-3-20-7 reads in part as follows: "As used in this title ... 'fraternal club' means an association or corporation <u>the membership of that</u> is comprised of or forms ... a lodge ... or ... a body ...". In a construction of this sort, the relative pronoun to be used is "which" rather than "that". [Purdue Online Writing Lab, Relative Pronouns: "When the relative pronoun is the object of a preposition, <i>which</i> is used instead of <i>that</i> ." Wikipedia, English Relative Clauses: "In formal writing, a relative pronoun often appears as the object of a preposition at the beginning of a relative clause. In this case the pronoun will be <i>whom</i> , <i>whose</i> , or <i>which</i> , never <i>that</i> ."] So this SECTION could amend IC 7.1-3-20-7(a) by making it read, " ... <u>the membership of which</u> is comprised of ...". However, it is unnecessary to use this ungraceful construction. According to <i>the American Heritage Book of English Usage</i> , it is proper to use <i>whose</i> as a possessive to refer to inanimate nouns as well as both animate nouns. Taking advantage of this usage, this SECTION revises IC 7.1-3-20-7(a) to read, "As used in this title ... 'fraternal club' means an association or corporation <u>whose membership</u> is comprised of or forms ... a lodge ... or ... a body ...".	Upon passage
27.	8-1-8.8-10	30	Error in numbering of subdivisions. Before it was amended by P.L.224-2011, subsection (a) of IC 8-1-8.8-10 contained twelve numbered subdivisions. P.L.224-2011 struck subdivisions (1) through (8) entirely, retained subdivisions (9), (10), and (11), and struck subdivision (12) entirely. In the former subdivision (9), P.L.224-2011 struck "(9)" and inserted "(1)". In the former subdivision (10), P.L.224-2011 struck "(10)" and inserted "(2)". In the former subdivision (11),	Upon passage

however, P.L.224-2011 inserted "(3)" but failed to strike "(11)". Consequently, the third subdivision of IC 8-1-8.8-10(a) now reads: "(11) (3) Methane ...". This SECTION resolves the numbering error by striking "(11)" in the third subdivision of IC 8-1-8.8-10(a).

28.	8-23-7-22	30	<p>Omission from updating of population parameters. In 2012, SEA 115 [P.L.119-2012] amended Code sections that refer to a particular local governmental entity according to the entity's population if an amendment was necessary to ensure that a recent change in the entity's population, as determined by the 2010 decennial census, would not make the reference to the entity invalid. (For example, if a Code section authorized a certain type of loan to a particular county that was identified in the Code section as having a population of more than 170,000 but less than 180,000, but the 2010 decennial census indicated that the population of the particular county had risen to 181,000, SEA 115 amended the Code section so as to make it identify the county as having a population of more than <i>175,000</i> but less than <i>185,000</i>.) IC 8-23-7-22 is a Code section containing a population parameter ("... a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500) ...") and this population parameter is in need of revision due to the recent increase in the particular township's population, as determined by the 2010 decennial census. However, the population parameter in IC 8-23-7-22 was not revised by SEA 115 or any other 2012 act. This SECTION revises the population parameter in IC 8-23-7-22 to read:</p> <p>"a township having a population of more than <i>one hundred thousand (100,000)</i> and less than <i>one hundred ten thousand (110,000)</i> located in a county having a consolidated city."</p>	April 1, 2012 (retroactive)	Bob Rudolph, LSA attorney [brought problem to OCR's attention]
29.	8-23-7-23	31	<p>Omission from updating of population parameters. In 2012, SEA 115 [P.L.119-2012] amended Code sections that refer to a particular local governmental entity according to the entity's population if an amendment was necessary to ensure that a recent change in the entity's population, as determined by the 2010 decennial census, would not make the reference to the entity invalid. (For example, if a Code section authorized a certain type of loan to a particular county that was identified in the Code section as having a population of more than 170,000 but less than 180,000, but the 2010 decennial census indicated that the population of the particular county had risen to 181,000, SEA 115 amended the Code section so as to make it identify the county as having a population of more than <i>175,000</i> but less than <i>185,000</i>.) IC 8-23-7-23 is a Code section containing a population parameter ("... a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500) ...") and this population parameter is in need of revision due to the recent increase in the particular township's population, as determined by the 2010 decennial census. However, the</p>	April 1, 2012 (retroactive)	Bob Rudolph, LSA attorney [brought problem to OCR's attention]

population parameter in IC 8-23-7-23 was not revised by SEA 115 or any other 2012 act. This SECTION revises the population parameter in IC 8-23-7-23 to read: "a township having a population of more than *one hundred thousand (100,000)* and less than *one hundred ten thousand (110,000)* located in a county having a consolidated city.

30.	9-13-2-5	32	Expired subsection. Subsection (a) of IC 9-13-2-5 has expired by its own terms. ("This subsection expires December 31, 2011.") This SECTION amends IC 9-13-2-5 by striking the expired subsection (a). Also, because IC 9-13-2-5 will consist only of the contents of subsection (b) after the striking of subsection (a), this SECTION: (1) eliminates the subsection designation of subsection (b); and (2) in the first sentence of subsection (b), which reads, "This <i>subsection</i> applies after December 31, 2011," replaces the word "subsection" with " <u>section</u> ".	Upon passage	
31.	9-20-5-5	32	Incorrect subsection references. IC 9-20-5-5 contains a reference to "section 4(22) of this chapter" and a reference to "section 4(23) of this chapter". Before 2012, these references correctly referred to subdivision (22) and subdivision (23) of IC 9-20-5-4. (IC 9-20-5-4 is "section 4" of the chapter IC 9-20-5.) However, in 2012, IC 9-20-5-4 was amended in such a way that the entire former contents of the section became subsection (a) of the section and a new paragraph was added as subsection (b) of the section. Consequently, the proper way for IC 9-20-5-5 to refer to the same two subdivisions of IC 9-20-5-4 is now "section 4(a)(22) of this chapter" and "section 4(a)(23) of this chapter". This SECTION amends IC 9-20-5-5 to change these references accordingly.	Upon passage	
32.	9-23-2-2	33	Omission from updating of population parameters. In 2012, SEA 115 [P.L.119-2012] amended Code sections that refer to a particular local governmental entity according to the entity's population if an amendment was necessary to ensure that a recent change in the entity's population, as determined by the 2010 decennial census, would not make the reference to the entity invalid. (For example, if a Code section authorized a certain type of loan to a particular county that was identified in the Code section as having a population of more than 170,000 but less than 180,000, but the 2010 decennial census indicated that the population of the particular county had risen to 181,000, SEA 115 amended the Code section so as to make it identify the county as having a population of more than <i>175,000</i> but less than <i>185,000</i> .) IC 9-23-2-2 is a Code section containing a population parameter ("... a city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000) ...") and this population parameter is in need of revision due to the recent change in the particular city's population, as determined by the 2010 decennial census. However, the population parameter	April 1, 2012 (retroactive)	Bob Rudolph, LSA attorney [brought problem to OCR's attention]

in IC 9-23-2-2 was not revised by SEA 115 or any other 2012 act. This SECTION revises the population parameter in IC 9-23-2-2 to read: "a city having a population of more than *eighty thousand (80,000)* but less than *eighty thousand four hundred (80,400)*."

33.	9-23-2-4	34	Omission from updating of population parameters. In 2012, SEA 115 [P.L.119-2012] amended Code sections that refer to a particular local governmental entity according to the entity's population if an amendment was necessary to ensure that a recent change in the entity's population, as determined by the 2010 decennial census, would not make the reference to the entity invalid. (For example, if a Code section authorized a certain type of loan to a particular county that was identified in the Code section as having a population of more than 170,000 but less than 180,000, but the 2010 decennial census indicated that the population of the particular county had risen to 181,000, SEA 115 amended the Code section so as to make it identify the county as having a population of more than <i>175,000</i> but less than <i>185,000</i> .) IC 9-23-2-4 is a Code section containing a population parameter ("... a city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000) ...") and this population parameter is in need of revision due to the recent change in the particular city's population, as determined by the 2010 decennial census. However, the population parameter in IC 9-23-2-4 was not revised by SEA 115 or any other 2012 act. This SECTION revises the population parameter in IC 9-23-2-4 to read: "a city having a population of more than <i>eighty thousand (80,000)</i> but less than <i>eighty thousand four hundred (80,400)</i> ."	April 1, 2012 (retroactive)	Bob Rudolph, LSA attorney [brought problem to OCR's attention]
34.	9-29-5-2	35	Expired subsection. Subsection (a) of IC 9-29-5-2 has expired by its own terms. ("This subsection expires December 31, 2011.") This SECTION amends IC 9-29-5-2 by striking the expired subsection (a). Also, because IC 9-29-5-2 will consist only of the contents of subsection (b) after the striking of subsection (a), this SECTION: (1) eliminates the subsection designation of subsection (b); and (2) in the first sentence of subsection (b), which reads, "This <i>subsection</i> applies after December 31, 2011," replaces the word "subsection" with " <u>section</u> ".	Upon passage	
35.	9-30-4-6	36	Conflict resolution. IC 9-30-4-6 was amended in different ways by two 2012 acts, SEA 257 [P.L.125-2012] and SEA 262 [P.L.126-2012]. Consequently, the Indiana Code now contains two versions of IC 9-30-4-6. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 9-30-4-6	Upon passage	
36.	11-8-8-4.5	39	Changing reference to reflect relocation of text. The subdivision (18) that was	Upon passage	

added to IC 11-8-8-4.5(a) by HEA 1080 [P.L.72-2012] states that a person is a sex offender if the person has been convicted of "Sexual misconduct by a service provider with a detained child (IC 35-44-1-5(c))." However, IC 35-44-1-5 is no longer the section defining the offense of sexual misconduct by a service provider with a detained child. SEA 262 [P.L.126-2012] repealed IC 35-44-1-5 and transferred its text to a new location, IC 35-44.1-3-10. This SECTION amends IC 11-8-8-4.5(a)(18) to replace the reference to "(IC 35-44-1-5(c))" with "(IC 35-44.1-3-10(c))".

37.	11-8-8-5	40	Conflict resolution. IC 11-8-8-5 was amended in different ways by two 2012 acts, SEA 4 [P.L.1-2012] and HEA 1080 [P.L.72-2012]. Consequently, the Indiana Code now contains two versions of IC 11-8-8-5. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 11-8-8-5. This SECTION also changes a reference to reflect a relocation of text. Subdivision (20) of IC 11-8-8-5(a), as added to IC 11-8-8-5 by HEA 1080, states that a person is a "sex or violent offender" if the person has been convicted of "Sexual misconduct by a service a service provider with a detained child (IC 35-44-1-5(c))." However, IC 35-44-1-5 is no longer the section defining the offense of sexual misconduct by a service provider with a detained child. SEA 262 [P.L.126-2012] repealed IC 35-44-1-5 and transferred its text to a new location, IC 35-44.1-3-10. This SECTION amends IC 11-8-8-5(a)(20) to replace the reference to "(IC 35-44-1-5(c))" with " <u>(IC 35-44.1-3-10(c))</u> ".	Upon passage	
38.	12-8-1.5-9	42	Expired subsection. Subsection (b) of IC 12-8-1.5-9 has expired by its own terms. ("This subsection expires December 31, 2012.") This SECTION amends IC 12-8-1.5-9 by striking the expired subsection (b) and eliminating the subsection designation of subsection (a).	Upon passage	
39.	12-13-14-13	42	Expired subsection. Subsection (b) of IC 12-13-14-13 has expired by its own terms. ("This subsection expires July 1, 2010.") This SECTION amends IC 12-13-14-13 by striking the expired subsection (b). Also, because IC 12-13-14-13 will consist only of the contents of subsection (a) after the striking of subsection (b), this SECTION eliminates the subsection designation of subsection (a).	Upon passage	
40.	13-17-3-4	42	Expired subsection. Subsection (e) of IC 13-17-3-4 has expired by its own terms. ("This subsection expires April 1, 2012.") This SECTION amends IC 13-17-3-4 by striking the expired subsection (e).	Upon passage	
41.	13-23-8-4	43	Mixing of verb tenses and confusion as to whether one or three conditions must be met. As amended by SEA 168 [P.L.19-2012], subsection (e) of	Upon passage	Ruth Rivera, LSA attorney

IC 13-23-8-4 reads: "A transferee of property upon which a tank was located is eligible to receive money from the fund under this section if any of the following conditions are met: ... (1) ...; (2) The: (A) transferee acquires ownership ... ; (B) transferor failed to pay ...; and (C) department failed to record ... ". Subdivision (2) of subsection (e) has a present tense verb in its clause (A) and past tense verbs in its clauses (B) and (C). Because the acquisition of ownership referred to in clause (A), the failure to pay referred to in clause (B), and the failure to record referred to in clause (C) would all have to occur *before* the transferee of property would be eligible for money from the fund, this SECTION changes the verb in clause (A) from the present tense ("acquires") to the past tense ("acquired") so that the verbs of all three clauses will be in the past tense. Also, to eliminate any potential confusion for the reader arising from the seeming incongruity between the language providing that only one condition need be satisfied ("... if *any* of the following conditions are met") and the fact that subdivision (2) itself sets forth three separate conditions, this SECTION revises subsection (e) as follows: "A transferee ... is eligible ... if any of the following subdivisions apply:

- (1) The transferor ... was eligible ...
- (2) All of the following conditions are met:
  - (A) The transferee acquired ...
  - (B) The transferor failed ...
  - (C) The department failed ...
- (3) The transferee pays ... "

[brought problem to OCR's attention]

This SECTION also inserts a comma into subdivision (3) of subsection (e) at the end of "including past due fees and interest for each tank" so that this nonrestrictive, parenthetical phrase will be set off from the rest of the sentence by a pair of commas.

42.	14-13-1-41	45	Verb not in the imperative mood. IC 14-13-1-41, as added by SEA 362 [P.L.51-2012], authorizes the natural resources commission to establish a nonprofit subsidiary corporation. Subsection (c) of IC 14-13-1-41 reads: "A subsidiary corporation established under this section <u>is</u> governed by a board of directors comprised of ... ". The verb "is", which is in the present tense and the indicative mood, states an existing fact (e.g., "the moon <i>is</i> full tonight"). But the nonprofit subsidiary corporation whose establishment is authorized by IC 14-13-1-41 is not yet in existence. More importantly, the purpose of subsection (c) is to establish a legal mandate; if the nonprofit subsidiary corporation is established, its board of directors <i>must</i> be comprised of individuals meeting the requirements of subsection (c). This SECTION amends IC 14-13-1-41 by replacing "is" with "shall be", making the sentence read: "A subsidiary corporation established under this section <u>shall be</u> governed by a board of directors comprised of ... ".	Upon passage
43.	14-25-15-7	46	Misplaced numerical expression. Our Form and Style Manual provides for numbers to be expressed both in words and in numerals, as in [IC 2-7-2-2] "Each	Upon passage

registration statement shall be filed ... within **fifteen (15)** days after a person becomes a lobbyist". The numerical expression of the number is enclosed in parentheses and should immediately follow the verbal expression of the number. If there is a plural noun to which the number refers (e.g., "days" or "gallons" or "tons"), that plural noun is to follow the numerical expression of the number. [Exceptions: percentages ("at least eighty percent (80%)") and dollar figures ("ten thousand dollars (\$10,000)").] In subsection (a)(3) of IC 14-25-15-7, the numerical expression of the number "one million" does not immediately follow the verbal expression of the number but instead follows "gallons", the plural noun to which the number refers: "(3) For any other surface water or groundwater source, one million gallons (1,000,000)." This SECTION amends subsection (a)(3) of IC 14-25-15-7 so as to relocate the numerical expression of the number from immediately after "gallons" to immediately after "one million".

44.	15-19-7-29	46	<p>Word usage. The subdivision (12) added to IC 15-19-7-29 by HEA 1129 [P.L.99-2012] provides that a commercial feed is considered adulterated if it " ... has been prepared, packed, or held under unsanitary conditions <u>where</u> it may become contaminated with filth, or <u>where</u> it may have <u>been</u> <u>become</u> injurious to health." There are at least two problems in this language. First, "unsanitary conditions" are not a physical place. Therefore, this SECTION replaces "unsanitary conditions <i>where</i>" with "unsanitary conditions <u>under which</u>". Second, there is clearly an error in the appearance of the words "been" and "become" next to each other in IC 15-19-7-29(12). Either "been" or "become" should be removed. In the context of IC 15-19-7-29(12), "become" must be the word that was intended and "been" must have been included by error. If "been" were retained, the sentence would read: (a commercial feed is considered adulterated if it) " ... has been prepared, packed, or held under unsanitary conditions (under which) ... it may have <u>been</u> injurious to health." This past perfect tense construction would focus on whether the commercial feed <i>was</i> injurious to health in the past, presumably when it was "prepared, packed, or held", regardless of whether commercial feed <i>is</i> injurious to health later, like when it is fed to animals. By contrast, if "been" is removed and "become" is retained, the sentence will read: (a commercial feed is considered adulterated if it) " ... has been prepared, packed, or held under unsanitary conditions (under which) ... it may have <u>become</u> injurious to health." This construction puts the focus on the future -- the commercial feed may have <i>become</i> injurious to health during the period when it was "prepared, packed, or held", but the potential injury to health is anticipated to occur later, when the feed is fed to animals. This SECTION amends IC 15-19-7-29(12) to provide that a commercial feed is considered adulterated if:</p> <p>(12) It has been prepared, packed, or held under unsanitary conditions <b><u>where under which:</u></b></p> <p>(A) it may become contaminated with filth; or</p> <p>(B) <del>where</del> it may have <del>been</del> become injurious to health.</p>	Upon passage	Tim Tyler, LSA attorney [brought problem to OCR's attention]
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45.	16-18-2-7	48	Conflict resolution. IC 16-18-2-7 was amended in different ways by two 2012 acts, SEA 26 [P.L.114-2012] and HEA 1186 [P.L.77-2012]. Consequently, the Indiana Code now contains two versions of IC 16-18-2-7. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 16-18-2-7.	Upon passage	
46.	20-19-2-8	49	Expired subdivision. Subdivision (4) of IC 20-19-2-8(a) has expired by its own terms. ("This subdivision expires December 31, 2011.") This SECTION amends IC 20-19-2-8 by striking the expired subdivision (4) and re-designating subdivisions (5), (6), (7), (8), (9), and (10) as "(4)", "(5)", "(6)", "(7)", "(8)", and "(9)".	Upon passage	
47.	20-19-3-11	50	Adding words to bring out intended meaning. IC 20-19-3-11, as added by SEA 267 [P.L.46-2012], requires the department of education to make certain model child abuse response policies available to schools. Subdivision (4) of IC 20-19-3-11's subsection (d) provides that the model policies may include the topic of "Educational support available for a child who is a victim of abuse or sexual abuse to continue to be successful in school." This SECTION amends subdivision (4) of IC 20-19-3-11(d) by adding a few words to bring out what was surely intended as the subdivision's meaning, making the text read: "Educational support available for a child who is a victim of abuse or sexual abuse to <u>enable the child to</u> continue to be successful in school."	Upon passage	Allen Morford, LSA attorney [brought problem to OCR's attention]
48.	20-24-9-7	51	Omitted words. IC 20-24-9-7, as added by HEA 1205 [P.L.148-2012], reads: "The organizer of a charter school shall publish the names of the charter school's governing body on the school's Internet web site." This SECTION amends IC 20-24-9-7 to make it read: " ... publish the names of <u>the members of</u> the charter school's governing body ... ".	Upon passage	Irma Reinumagi, LSA attorney [brought problem to OCR's attention]
49.	20-45-1-1	51	Repealing unneeded section. IC 20-45, an article in the Education Title of the Code, is entitled "General Fund Levies". Chapter 1 of IC 20-45 is the chapter of the article set aside for "Definitions". There were formerly 24 sections in IC 20-45-1 that set forth definitions applying within IC 20-45. However, all of those definition sections have been repealed. There is only one section left in the chapter. That section is IC 20-45-1-1, and it reads: "The definitions in this chapter apply throughout this article." Because there are no longer <i>any</i> definitions set forth in the chapter IC 20-45-1, the section IC 20-45-1-1 is meaningless and can be repealed. This SECTION repeals IC 20-45-1-1.	Upon passage	
50.	21-7-13-6	51	Pointless references. Subsection (a) of IC 21-7-13-6(a) defines the term "approved postsecondary educational institution" for the purposes of Title 21 of the Code, but it includes an exception clause providing that the definition does not apply to " ... section 15 of this chapter (i.e., IC 21-7-13-15), IC 21-12-6,	Upon passage	Allen Morford, LSA attorney [brought problem to OCR's attention]

IC 21-12-7, and IC 21-13-1-4". The meaning of the exception clause, of course, is that the definition of the term set forth in IC 21-7-13-6(a) does not apply to the term as it is used in IC 21-7-13-15, IC 21-12-6, IC 21-12-7, and IC 21-13-1-4. The term "approved postsecondary educational institution" *is* used in IC 21-7-13-15, IC 21-12-6, and IC 21-13-1-4. However, the term is *not* used in IC 21-12-7. Since the term is not used in IC 21-12-7, there is no point in providing that the IC 21-7-13-6(a) definition does not apply to IC 21-12-7. This SECTION amends IC 21-7-13-6(a) by striking the reference to "IC 21-12-7" in the exception clause. Subsection (b) of IC 21-7-13-6(a) sets forth the definition of the term "approved postsecondary educational institution" that *does* apply to " ... section 15 of this chapter (i.e., IC 21-7-13-15), IC 21-12-6, IC 21-12-7, and IC 21-13-1-4". Again, however, the term "approved postsecondary educational institution" is not used in IC 21-12-7. Since the term is not used in IC 21-12-7, there is no point in defining the term for the purposes of IC 21-12-7. This SECTION amends IC 21-7-13-6(b) by striking the reference to "IC 21-12-7" in the language stating that the IC 21-7-13-6(b) definition applies to " ... section 15 of this chapter (i.e., IC 21-7-13-15), IC 21-12-6, *IC 21-12-7*, and IC 21-13-1-4".

51.	21-18.5-1-1	53	Replacing nonspecific references with specific Public Law references. The article IC 21-18.5 ("Administration of Higher Education Financial Aid and Postsecondary Credit Bearing Proprietary Educational Institution Accreditation") was added to the Code by HEA 1270 [P.L.107-2012]. HEA 1270 also repealed the former article IC 21-11 ("State Student Assistance Commission") and amended several Code sections to replace references to IC 21-11 with references to IC 21-18.5. IC 21-18.5-1-1, which was added to the Code by HEA 1270 as part of the new article IC 21-18.5, contains a reference in its subsection (c)(2) to the "repeal of IC 21-11 and addition of this article (i.e., IC 21-18.5) <i>by legislation enacted during the 2012 session of the general assembly</i> ". IC 21-18.5-1-1 also contains a reference in its subsection (d)(2) to "the repeal of IC 21-11 and conforming amendments made to IC 21-7 through IC 21-17 <i>by legislation enacted during the 2012 session of the general assembly</i> ". Now that the 2012 legislative session has ended, we can specifically identify P.L.107-2012 (HEA 1270) as the "legislation enacted during the 2012 session of the general assembly" that repealed IC 21-11, added IC 21-18.5, and made conforming amendments. This SECTION amends IC 21-18.5-1-1 by replacing the indefinite references to "legislation enacted during the 2012 session of the general assembly" in subsection (c)(2) and (d)(2) with references to "P.L.107-2012".	Upon passage	Allen Morford, LSA attorney [brought problem to OCR's attention]
52.	21-18.5-1-4	54	Replacing nonspecific references with specific Public Law references. The article IC 21-18.5 ("Administration of Higher Education Financial Aid and Postsecondary Credit Bearing Proprietary Educational Institution Accreditation") was added to the Code by HEA 1270 [P.L.107-2012]. HEA 1270 also repealed IC 21-17-2, the law that had established the Indiana Commission on Proprietary	Upon passage	Allen Morford, LSA attorney [brought problem to OCR's attention]

Education. IC 21-18.5-1-4, which was added to the Code by HEA 1270 as part of the new article IC 21-18.5, contains a reference in its subsection (b) to the "abolishment of the Indiana commission on proprietary education on July 1, 2012, *by legislation enacted during the 2012 session of the general assembly*". IC 21-18.5-1-4 also contains a reference in its subsection (c) to the "abolishment of the Indiana commission on proprietary education on July 1, 2012, *by legislation enacted during the 2012 session of the general assembly*". Now that the 2012 legislative session has ended, we can specifically identify P.L.107-2012 (HEA 1270) as the "legislation enacted during the 2012 session of the general assembly" that repealed IC 21-17-2, the law that had established the Indiana Commission on Proprietary Education. This SECTION amends IC 21-18.5-1-4 by replacing the indefinite references to "legislation enacted during the 2012 session of the general assembly" in subsection (b) and (c) with references to "P.L.107-2012".

53.	21-18.5-6-12	55	Reference to a superseded entity. The entity named "the Indiana commission for postsecondary proprietary education" was replaced in 1987 by "the Indiana commission on proprietary education". The Indiana commission on proprietary education was, in turn, replaced in 2012 by the board for proprietary education established by IC 21-18.5-5-1. However, IC 21-18.5-6-12, which was added by HEA 1270 [P.L.107-2012] and concerns the accreditation of postsecondary credit bearing proprietary educational institutions, includes a reference to "the commission on postsecondary proprietary education" (sort of an amalgam of "commission <i>for postsecondary</i> proprietary education" and "commission <i>on</i> proprietary education"). Because IC 21-18.5, as added by HEA 1270 [P.L.107-2012], is clearly intended to invest the board for proprietary education with all authority for the certification of postsecondary credit bearing proprietary educational institutions, and because IC 21-18.5-1-3, as added by HEA 1270 [P.L.107-2012], specifically provides that "any reference to the Indiana commission for postsecondary proprietary education or the Indiana commission on proprietary education in any statute or rule shall be treated as a reference to the ... board for proprietary education established by IC 21-18.5-5-1 if the reference pertains to a postsecondary credit bearing proprietary educational institution", this SECTION amends IC 21-18.5-6-12 by replacing its reference to "the commission on postsecondary proprietary education" with "the board for proprietary education".	Upon passage	Allen Morford, LSA attorney [brought problem to OCR's attention]
54.	21-18.5-6-20	55	Reference to a superseded entity. The entity named "the Indiana commission for postsecondary proprietary education" was replaced in 1987 by "the Indiana commission on proprietary education". The Indiana commission on proprietary education was, in turn, replaced in 2012 by the board for proprietary education established by IC 21-18.5-5-1. However, IC 21-18.5-6-20, which was added by HEA 1270 [P.L.107-2012] and concerns the filing of a claim against the career college student assurance fund by a student of a postsecondary credit bearing proprietary educational institution, includes a reference to "the commission on	Upon passage	Allen Morford, LSA attorney [brought problem to OCR's attention]

postsecondary proprietary education" (sort of an amalgam of "commission *for* postsecondary proprietary education" and "commission *on* proprietary education"). Because IC 21-18.5, as added by HEA 1270 [P.L.107-2012], is clearly intended to invest the board for proprietary education with all authority for the certification of postsecondary credit bearing proprietary educational institutions, and because IC 21-18.5-1-3, as added to the Code by HEA 1270 [P.L.107-2012], specifically provides that "any reference to the Indiana commission for postsecondary proprietary education or the Indiana commission on proprietary education in any statute or rule shall be treated as a reference to the ... board for proprietary education established by IC 21-18.5-5-1 if the reference pertains to a postsecondary credit bearing proprietary educational institution", this SECTION amends IC 21-18.5-6-20 by replacing its reference to "the commission on postsecondary proprietary education" with "the board for proprietary education". This SECTION also strikes a few unneeded words.

55.	21-18.5-6-26	56	Incorrect board reference. The body established by HEA 1270 [P.L.107-2012] to carry out the certification of postsecondary credit bearing proprietary educational institutions is named "the board for proprietary education" (IC 21-18.5-5-1). However, this body is referred to in subsection (f) of IC 21-18.5-6-26 as "the board for <u>postsecondary</u> proprietary education". This SECTION amends IC 21-18.5-6-26(f) by removing the word "postsecondary" from the reference, making it read "the board for proprietary education".	Upon passage	Allen Morford, LSA attorney [brought problem to OCR's attention]
56.	24-4-18-8	56	Problematic phrasing. Subsection (a) of IC 24-4-18-8, as added by HEA 1033 [P.L.69-2012], reads: "The attorney general may bring an action <i>to enforce a violation of</i> section 6 or 7 of this chapter." Typically we speak of bringing an action <i>to enforce</i> a particular statute or bringing an action <i>to enjoin</i> or <i>recover for a violation</i> of a particular statute, but "bring an action to enforce a violation" is problematic. This SECTION amends IC 24-4-18-8(a) to make it read: " <u>In the event of a violation of section 6 or 7 of this chapter</u> , the attorney general may bring an action to enforce section 6 or 7 of this chapter."	Upon passage	
57.	24-4.4-1-202	57	Relocating a sentence within a tabulated subsection. Subsection (b) of IC 24-4.4-1-202, as amended by HEA 1239 [P.L.P.L.27-2012], includes fifteen numbered subdivisions. Each of the fifteen subdivisions sets forth one thing that is exempt from the article IC 24-4.4 (First Lien Mortgage Lending). Subdivision (7) concerns credit unions. It provides that IC 24-4.4 does not apply to "a credit union service organization that is majority owned, directly or indirectly, by one (1) or more credit unions." Subdivision (8) does not concern credit unions. It provides that provides that IC 24-4.4 does not apply to a "first lien mortgage transaction originated by a registered mortgage loan originator, when acting for an entity described in subsection (6)." Even though subdivision (8) exempts certain first lien mortgage transactions -- not credit unions or credit union service	Upon passage	Sarah Burkman, LSA attorney [brought problem to OCR's attention]

organizations -- from the application of IC 24-4.4, subdivision (8) includes a second sentence that relates exclusively to credit unions: "A privately insured state chartered credit union shall also comply with the system of mortgage loan originator registration developed by the Federal Financial Institutions Examinations Council under Section 1507 of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (SAFE)." No subdivision of subsection (b) other than subdivision (7) pertains to credit unions (except for the presence of the out-of-place second sentence in subdivision (8)). Because the second sentence currently located in subdivision (8) was surely intended to relate to the subject of subdivision (7), this SECTION amends IC 24-4.4-1-202(b) by removing the sentence from subdivision (8) and moving it to subdivision (7), as follows:

(7) Except for IC 24-4.4-2-401(2), IC 24-4.4-2-402.3, IC 24-4.4-2-405(4), and IC 24-4.4-2-405(5), a credit union service organization that is majority owned, directly or indirectly, by one (1) or more credit unions.

**However, a privately insured state chartered credit union shall comply with the system of mortgage loan originator registration developed by the Federal Financial Institutions Examinations Council under Section 1507 of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (SAFE).**

(8) A first lien mortgage transaction originated by a registered mortgage loan originator, when acting for an entity described in subsection (6). ~~A privately insured state chartered credit union shall also comply with the system of mortgage loan originator registration developed by the Federal Financial Institutions Examinations Council under Section 1507 of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (SAFE).~~

This SECTION also makes a minor change in subsection (a), removing the pronoun "that" from the end of the line immediately preceding the three subdivisions and inserting the pronoun "that" at the beginning of subdivisions (1) and (2).

58.	24-4.4-1-301	59	Incorrect Code section reference. Subdivision (9) is removed from IC 24-4.4-1-202 and the subdivisions following subdivision (9) are redesignated as subdivisions (9) through (14). This SECTION re-designates the cross-reference to section 202(b)(15) to "section 202(b)(14)".	Upon passage	
59.	24-5-23.5-4	65	Incorrect use of defined term. Subdivision (5) of IC 24-5-23.5-4(b) provides that the term "mortgage loan" includes a "consumer <i>credit</i> loan subject to IC 24-4.5-3" under certain circumstances. But IC 24-4.5-3 does not relate to "consumer <i>credit</i> loans". The term "consumer loan" appears 25 times in IC 24-4.5-3; "consumer <i>credit</i> loan" does not appear in IC 24-4.5-3 even once. Moreover, the term defined by IC 24-4.5-1-301.5(9) for the purposes of IC 24-4.5-3 and the entire article IC 24-4.5 is not "consumer <i>credit</i> loan" but "consumer loan". This SECTION amends subdivision (5) of IC 24-5-23.5-4(b) to replace "consumer <i>credit</i> loan subject	Upon passage	Sarah Burkman, LSA attorney [brought problem to OCR's attention]

to IC 24-4.5-3" with "consumer loan subject to IC 24-4.5-3".

60.	24-9-3-7	66	Incorrect use of defined term. As amended by HEA 1239 [P.L.27-2012], subdivision (5) of IC 24-9-3-7(a) provides that the term "mortgage transaction" includes a "consumer <i>credit</i> loan subject to IC 24-4.5-3" under certain circumstances. But IC 24-4.5-3 does not relate to "consumer <i>credit</i> loans". The term "consumer loan" appears 25 times in IC 24-4.5-3; "consumer <i>credit</i> loan" does not appear in IC 24-4.5-3 even once. Moreover, the term defined by IC 24-4.5-1-301.5(9) for the purposes of the article IC 24-4.5 is not "consumer <i>credit</i> loan" but "consumer loan". This SECTION amends subdivision (5) of IC 24-9-3-7(a) to replace "consumer <i>credit</i> loan subject to IC 24-4.5-3" with "consumer loan subject to IC 24-4.5-3".	Upon passage	Sarah Burkman, LSA attorney [brought problem to OCR's attention]
61.	25-15-10-2	68	Verb form and position of preposition. In IC 25-15-10-2, as added by SEA 370 [P.L.95-2012], the term being defined is plural ("funeral ceremonies") and the verb immediately following the term being defined ("refer") is likewise plural. However, our convention is to use a singular verb in a definition sentence even if the term being defined is plural, as if the subject of the sentence were " <i>the term</i> 'funeral ceremonies' ". (Examples: IC 9-13-2-122: "Parts" <i>refers</i> to ... ; IC 9-13-2-94: "Local authorities" <i>means</i> ... ; IC 13-11-2-18: "Boards" <i>refers</i> to ... ; and IC 14-8-2-98: "Flood hazard areas" ... <i>means</i> ... ) This SECTION amends IC 25-15-10-2 by replacing "refer" with " <u>refers</u> ". This SECTION also removes the preposition immediately preceding the numbered subdivisions of IC 25-15-10-2 (" ... conducted <u>at</u> : (1) churches; (2) funeral homes; (3) cemeteries; (4) crematories ...") because the final numbered subdivision ("(5) elsewhere") does not take a preposition. This SECTION replaces the preposition "at" by inserting " <u>in</u> " at the beginning of subdivisions (1) through (4).	Upon passage	Susan Kennell, LSA attorney [brought problem to OCR's attention]
62.	25-26-13-25	69	Conflict resolution. IC 25-26-13-25 was amended in different ways by two 2012 acts, SEA 407 [P.L.159-2012] and HEA 1280 [P.L.152-2012]. Consequently, the Indiana Code now contains two versions of IC 25-26-13-25. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 25-26-13-25.	Upon passage	
63.	27-9-3.1-1	72	Missing conjunction. IC 27-9-3.1-1(a), as added to the Code in 2011, contains a single sentence that is tabulated in the "sentence" style and that includes two numbered subdivisions. The sentence reads: "As used in this chapter, 'actual direct compensatory damages' includes: (1) normal and reasonable costs of cover; (2) other reasonable measures of damages used in the derivatives market, the securities market, or another market for contract claims." There should be a conjunction at the end of subdivision (1), but the conjunction	Upon passage	

is missing. The conjunction "and" must surely have been intended here. When a definition provision tabulated in the "sentence" style states that certain things identified in its numbered subdivisions are included within the meaning of the defined term, the conjunction "and" is generally used at the end of the second-last subdivision. For example: [IC 10-13-3-10(b)] "(b) The term ('law enforcement agency') includes:

- (1) the office of the attorney general; and
- (2) the office of the inspector general."

[IC 8-5-15-1] "'Cost' as applied to a railroad or railroad project includes:

- (1) the cost of construction; ...
- (7) administrative expense; and
- (8) such other expenses as may be necessary ...".

The only alternative to the conjunction "and" would be the conjunction "or" and "or" does not seem appropriate in the context of IC 27-9-3.1-1(a). The intended meaning of the sentence is surely that *both* "(1) normal and reasonable costs of cover" and "(2) other reasonable measures of damages ..." are included within the meaning of "actual direct compensatory damages". It seems very unlikely that IC 27-9-3.1-1(a) was intended to provide that "actual direct compensatory damages" includes "(1) normal and reasonable costs of cover" *or* "(2) other reasonable measures of damages ..." *but not both*. This SECTION amends IC 27-9-3.1-1(a) to insert the conjunction "**and**" at the end of subdivision (1). This SECTION also replaces the punctuation mark at the end of IC 27-9-3.1-1's subsection (b)(1) -- a colon -- with a semicolon.

64.	28-1-7-1	73	Defined term used incorrectly. In one place in IC 28-1-7-1(b), a mutual savings association is referred to as a "mutual <i>saving</i> association" (" ... 'shareholder', with respect to a ... mutual <i>saving</i> association ... refers to a member of the ... mutual savings association."). The proper form of the term, as used 30 times in Title 28 of the Code, is "mutual <u>savings</u> association", not "mutual <i>saving</i> association". This SECTION amends IC 28-1-7-1(b) by replacing "mutual <i>saving</i> association" with "mutual <u>savings</u> association".	Upon passage	Sarah Burkman, LSA attorney [brought problem to OCR's attention]
65.	28-1-8-0.7	73	Defined term used incorrectly. In one place in IC 28-1-8-0.7, a mutual savings association is referred to as a "mutual <i>saving</i> association" (" ... 'shareholder', with respect to a ... mutual <i>saving</i> association ... refers to a member of the ... mutual savings association."). The proper form of the term, as used 30 times in Title 28 of the Code, is "mutual <u>savings</u> association", not "mutual <i>saving</i> association". This SECTION amends IC 28-1-8-0.7 by replacing "mutual <i>saving</i> association" with "mutual <u>savings</u> association".	Upon passage	Sarah Burkman, LSA attorney [brought problem to OCR's attention]
66.	28-6.1-1-2	74	As amended by HEA 1239 [P.L.27-2012], IC 28-6.1-1-2 contains a subsection (e) that includes a reference to "a proposed disposition described in IC 28-1-8-3(b) <i>of this chapter</i> ". The inclusion of the words "of this chapter" is an error because, obviously, IC 28-1-8-3(b) is not a part of the chapter IC 28-6.1-1. The words "of	Upon passage	Sarah Burkman, LSA attorney [brought problem to OCR's attention]

this chapter" were present in the introduced version of HB 1239 and remained in the bill through the entire session. This SECTION amends IC 28-6.1-1-2(e) by removing the words "of this chapter".

67.	28-11-5-10	74	<p>Missing preposition. Subsection (b) of IC 28-11-5-10 includes this sentence: "If a provision of IC 23-18 conflicts with a provision of this title or with any rule of the department, the provision of this title or the rule the department controls." The preposition "of" should appear in this sentence after "the rule" and before "the department controls". This SECTION amends IC 28-11-5-10(b) by inserting "of", making the sentence read: " ... the provision of this title or the rule <u>of</u> the department controls."</p>	Upon passage	Sarah Burkman, LSA attorney [brought problem to OCR's attention]
68.	31-9-2-117	75	<p>Nonparallel tabulated elements. Subsection (b) of IC 31-9-2-117 reads in pertinent part as follows: "'Shelter care facility' ... means a child caring institution or group home that provides temporary service for not more than twenty (20) consecutive days to a child:</p> <p>(1) who is admitted to a residential facility on an emergency basis;</p> <p>(2) <u>for twenty-four (24) hours a day</u>; and</p> <p>(3) who is... "</p> <p>This is a departure from the tabulation style prescribed by our Form and Style Manual because subdivision (2) is not grammatically parallel to subdivisions (1) and (3). Proper "sentence style" tabulation requires that all tabulated elements be grammatically parallel. If subdivisions are grammatically parallel, the words immediately preceding the subdivisions apply in the same way to each subdivision. In subsection (b) of IC 31-9-2-117, the noun immediately preceding the subdivisions is "child", and subdivisions (1) and (3) are phrases modifying "child". Subdivision (2), however, modifies the verb phrase "provides temporary service" instead of the noun "child". This SECTION remedies the problem by removing the words "twenty-four (24) hours a day" from the tabulated subdivisions and relocating them to a place in the sentence that precedes the tabulation and is closer to the verb phrase that those words modify: "'Shelter care facility' ... means a child caring institution or group home that provides temporary service <u>twenty-four (24) hours a day</u> for not more than twenty (20) consecutive days to a child:</p> <p>(1) who is admitted to a residential facility on an emergency basis; <u>and</u></p> <p>(2) who is... "</p>	Upon passage	K. C. Norwalk, LSA attorney [brought problem to OCR's attention]
69.	31-14-11-12	76	<p>Slightly inaccurate statutory reference. IC 31-14-11-12, as amended by SEA 287 [P.L.128-2012], contains a subsection (a)(1)(B) that refers to the "Title IV-E assistance program (42 U.S.C. <u>671</u> et seq.)". This statutory reference is slightly inaccurate. The federal statutory law referred to, Part E (Federal payments for foster care and adoption assistance) of Subchapter IV (Grants to states for aid and services to needy families with children and for child-welfare services) of Chapter 7 (Social security) of Title 42 of the United States Code, begins with Section <u>670</u></p>	Upon passage	K. C. Norwalk, LSA attorney [brought problem to OCR's attention]



(Congressional declaration of purpose; authorization of appropriations), not Section 671 (State plan for foster care and adoption assistance). Therefore, this SECTION amends IC 31-14-11-12(a)(1)(B) to replace the reference to "(42 U.S.C. 671 et seq.)" with "(42 U.S.C. 670 et seq.)"

70.	31-27-4-2	76	Problematic wording arising from striking of former text. IC 31-27-4-2, as amended by SEA 286 [P.L.48-2012], makes the issuance of a <i>certificate</i> a prerequisite to the operation of a therapeutic foster family home. Before IC 31-27-4-2 was amended by SEA 286, the prerequisite it established to the operation of a therapeutic foster family home was the issuance of a <i>license</i> . Subsection (d) of IC 31-27-4-2, before it was amended by SEA 286, read: "An applicant for a therapeutic foster family home license must ...". SEA 286 amended subsection (d) as follows: <b>"An applicant for a To receive a therapeutic foster family home license certificate, a person must ..."</b> . This amendment left subsection (d) reading: "To receive a <i>therapeutic certificate</i> , a person must ...". This wording is problematic because the term "therapeutic certificate" is not defined for purposes of IC 31-27-4, appears no where else in the Code, and has no particular meaning. The subject of IC 31-27-4-2 is the issuance of a <i>certificate</i> for the operation of a <i>therapeutic</i> foster family home, not the issuance of a <i>therapeutic certificate</i> . This SECTION amends subsection (d) of IC 31-27-4-2 to make it read: "To receive a <u>certificate for the operation of a therapeutic foster family home</u> , a person must ...".	Upon passage	K. C. Norwalk, LSA attorney [brought problem to OCR's attention]
71.	31-28-5.8-4	77	Missing preposition. IC 31-28-5.8-4, as added by SEA 286 [P.L.48-2012], reads: "As used in this chapter, 'older youth' means an individual who is at least eighteen (18) years <i>of</i> age but less than twenty (20) years <u>  </u> age." This SECTION amends IC 31-28-5.8-4 by inserting the preposition "of" at the end of the sentence, making the text read: " ... less than twenty (20) years <u>of</u> age."	Upon passage	K. C. Norwalk, LSA attorney [brought problem to OCR's attention]
72.	31-33-24-15	77	Changing preposition. The last sentence of IC 31-33-24-15, as amended by SEA 286 [P.L.48-2012], reads: "The department shall post the report prepared under this subsection <u>to</u> the department's Internet web site." The Code generally uses "post <i>on</i> " in requiring that an agency make certain information available on an Internet web site. (Examples: IC 5-14-7-7(a) "The commission shall post reports ... <u>on</u> the commission's web site." IC 12-15-35-50(b) "The office shall ... post <u>on</u> the web site any changes concerning the ... cost schedule for drugs." IC 16-34-2-1.5(a) "The state department shall post Internet web site links concerning ... <u>on</u> the state department's Internet web site." IC 20-26-5-4.7(b) "The superintendent shall post the provisions of an employment contract ... with a certificated employee <u>on</u> the school corporation's Internet web site." IC 36-10-9-9(f) "The board shall post the reports ... <u>on</u> the board's Internet web site.") This SECTION amends the last sentence of IC 31-33-24-15 to make it read: "The department shall post the report prepared under this subsection <u>on</u> the department's Internet web site."	Upon passage	K. C. Norwalk, LSA attorney [brought problem to OCR's attention]
73.	32-29-8-4	78	Replacing definite articles with indefinite articles. IC 32-29-8-4, as added by	Upon passage	Sarah Burkman,

SEA 298 [P.L.130-2012], provides that an "interested person" (mainly, a person who holds evidence of the debt secured by a mortgage being foreclosed or who obtains a deed to the real property through a sheriff's sale) or an "omitted party" (mainly, a person who holds a subordinate interest in the real property that is subject to a mortgage foreclosure action but who is not a defendant in the foreclosure action) can bring a separate civil action after judgment is entered in the foreclosure action for the purpose of terminating the interest in the property held by an (or the) omitted party. Subsection (f) of IC 32-29-8-4 sets forth certain factors that the court hearing the separate action must consider in deciding the terms under which the omitted party may redeem the property (*if* the court determines that the omitted party is entitled to redemption). Subdivision (3) of subsection (f), in setting forth a factor to be considered by the court, reads: "The amount of any taxes and assessments ... related to the property and paid by the interested person or by any person under whose title to the property the interested person claims." The use of the definite article ("the") in subdivision (3) implies that there certainly would be an interested person involved in any separate civil action brought under IC 32-29-8-4 in which the court determines that the termination of the omitted party's interest is subject to the omitted party's right to redeem the property. However, it seems clear that there could be actions brought under IC 32-29-8-4 in which the court determines that the termination of the omitted party's interest is subject to the omitted party's right to redeem but in which *no* interested person is directly involved. Subsection (c) provides that an action under IC 32-29-8-4 can be brought by *an omitted party* -- i.e., it needn't necessarily be brought by an interested person. And since, under subsection (c), an action under IC 32-29-8-4 can be brought "*(a)t any time after* a judgment and decree of sale is entered in (the) action to foreclose" the mortgage on the property in question, it seems possible that an action under IC 32-29-8-4 could be initiated *immediately after* judgment is entered in the foreclosure action, *before* any interested person or person claiming title through an interested person would have paid any "... taxes and assessments (and) ... interest ... related to the property". Therefore, this SECTION amends subdivision (3) of IC 32-29-8-4(f) to replace the definite articles with indefinite articles, making the text read: "The amount of any taxes and assessments ... related to the property and paid by an interested person or by any person under whose title to the property an interested person claims." [Note: This amendment will make subdivision (3) consistent with subdivision (2), which uses the indefinite article: "Whether any interested person in good faith has made valuable improvements ...".]

LSA attorney  
[brought problem to  
OCR's attention]

74.	33-40-7-1	80	Omission from updating of population parameters. In 2012, SEA 115 [P.L.119-2012] amended Code sections that refer to a particular local governmental entity according to the entity's population if an amendment was necessary to ensure that a recent change in the entity's population, as determined by the 2010 decennial census, would not make the reference to the entity invalid. (For example, if a Code section authorized a certain type of loan to a particular county that was identified in the Code section as having a population of more than 170,000 but less than 180,000, but the 2010 decennial census	April 1, 2012 (retroactive)	Bob Rudolph, LSA attorney [brought problem to OCR's attention]
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indicated that the population of the particular county had risen to 181,000, SEA 115 amended the Code section so as to make it identify the county as having a population of more than *175,000* but less than *185,000*.) IC 33-40-7-1 contains two population parameters, one identifying a county a county that has a population of " ... more than two hundred thousand (200,000) but less than three hundred thousand (300,000) ... " and another identifying a county that has a population of " ... more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000) ... ". These population parameter are in need of revision due to the recent change in the particular citys' populations, as determined by the 2010 decennial census. However, the population parameters in IC 33-40-7-1 were not revised by SEA 115 or any other 2012 act. This SECTION revises the population parameters in IC 33-40-7-1 to read: " ... a county that ... has a population of ... more than *two hundred fifty thousand (250,000)* but less than *two hundred seventy thousand (270,000)* ... or ... more than *one hundred seventy-five thousand (175,000)* but less than *one hundred eighty-five thousand (185,000)* ... ".

75.	34-28-5-15	81	Word used by mistake. In IC 34-28-5-15, as added by HEA 1033 [P.L.69-2012], subsection (a) provides that, under certain circumstances, the court in which an action to enforce a statute defining an infraction is filed must order <i>the clerk of court</i> not to disclose information related to the alleged infraction. Subsection (b) of IC 34-28-5-15 then states: "If a court fails to order <u>the court</u> to restrict information related to the infraction ...". The second use of the word "court" in subsection (b) is clearly an error. The order that a court is required to issue under subsection (a) is an order prohibiting <u>the clerk</u> from disclosing information, not an order prohibiting <i>the court itself</i> from disclosing information. This SECTION amends subsection (b) of IC 34-28-5-15 to make it read: "If a court fails to order <u>the clerk</u> to restrict information related to the infraction ...". This SECTION also makes a few other minor revisions in the text for sense. [Note: there is another problem in subsection (d)(3) of IC 34-28-5-15, but that problem cannot be addressed in the TC bill. Subsection (d) is intended to establish the date as of which a petition to restrict disclosure of information concerning an alleged infraction may be filed. Subdivision (3) of subsection (d) purports to establish the date under two different scenarios: [1] "if the person is not prosecuted" and [2] if "the action is dismissed". But the threshold date established by subdivision (3) relates only to the second scenario: "thirty (30) days after the action is dismissed, if a new action is not filed." If the matter is never brought to trial, when may the person file a petition?]	Upon passage	Tim Tyler, LSA attorney [brought problem to OCR's attention]
76.	34-28-5-16	82	Omitted words. IC 34-28-5-16, as added by HEA 1033 [P.L.69-2012], includes the following in its subsection (b): " ... a judgment imposed on a person for <u>the violation of an infraction</u> ...". A judgment may be imposed on a person <i>for an infraction</i> or <i>for a violation of a statute defining an infraction</i> , but "for the violation of an infraction" is problematic. This SECTION amends IC 34-28-5-16(b) to	Upon passage	

make it read: " ... a judgment imposed on a person for the violation of a statute defining an infraction ...".

77.	34-36-4	83	<p>Removing empty chapter. The Code nominally contains a chapter, IC 34-36-4, that is entitled "Filling Regular Panel of Jurors When Persons Excused From Service". This chapter, as added to the Code in 1998, consisted of only a single section, IC 34-36-4-1. No other section has ever been added to the chapter, and IC 34-36-4-1 was repealed in 2007. Consequently, IC 34-36-4 has been empty of any legal content since 2007. This SECTION repeals IC 34-36-4 to remove it from the Code.</p>	Upon passage	
78.	35-31.5-2-10	83	<p>Unnecessary definition. IC 35-31.5-2-10 is the definition of the term "advisory sentence" in the new comprehensive criminal law definitions chapter added by SEA 26 [P.L.114-2012]. IC 35-31.5-2-10 consists of two subsections that read as follows:</p> <p style="padding-left: 40px;">(a) 'Advisory sentence', for purposes of IC 35-35-3, means the nonbinding guideline sentence defined in IC 35-50-2-1.3.</p> <p style="padding-left: 40px;">(b) 'Advisory sentence', for purposes of IC 35-50-2-3 through IC 35-50-2-7, has the meaning set forth in IC 35-50-2-1.3.</p> <p>The first problem with the text of IC 35-31.5-2-10 concerns subsection (a), which defines the term "for purposes of IC 35-35-3". The term "advisory sentence" is not used in IC 35-35-3, so there is no point in defining that term for the purposes of IC 35-35-3. The second problem with the text of IC 35-31.5-2-10 concerns subsection (b), which defines the term "for purposes of IC 35-50-2-3 through IC 35-50-2-7". The term "advisory sentence" <i>is</i> used in IC 35-50-2-3 through IC 35-50-2-7. Moreover, IC 35-50-2-1.3, the section setting forth the definition that subsection (b) of IC 35-31.5-2-10 adopts by reference, already limits its definition to "sections 3 through 7 of this chapter" (i.e., IC 35-50-2-3 through IC 35-50-2-7), so the provision in subsection (b) of IC 35-31.5-2-10 limiting the effect of the subsection (b) definition to "IC 35-50-2-3 through IC 35-50-2-7" makes sense. However, there are two sections in the chapter IC 35-50-2 <i>other than</i> "IC 35-50-2-3 through IC 35-50-2-7" that contain the term "advisory sentence". Those sections are IC 35-50-2-8 (which requires a court to "sentence a person found to be a habitual offender to an additional fixed term that is not less than <i>the advisory sentence</i> for the underlying offense nor more than three times <i>the advisory sentence</i> for the underlying offense") and IC 35-50-2-14 (which authorizes a court to "sentence a person found to be a repeat sexual offender to an additional fixed term that is <i>the advisory sentence</i> for the underlying offense"). IC 35-50-2-8 and IC 35-50-2-14 seem to use "advisory sentence" in a way completely consistent with the definition set forth in IC 35-50-2-1.3(a). It is tempting, therefore, to consider amending subsection (b) of IC 35-31.5-2-10 to make it provide that the IC 35-50-2-1.3(a) definition applies to IC 35-50-2-8 and IC 35-50-2-14 as well as to IC 35-50-2-3 through IC 35-50-2-7. However, this would arguably constitute a substantive change, and it would also make</p>	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]

subsection (b) of IC 35-31.5-2-10 inconsistent with the terms of IC 35-50-2-1.3(a). Consequently, this SECTION amends IC 35-31.5-2-10 only so as to solve the first problem, eliminating the text that is now in IC 35-31.5-2-10's subsection (a).

79.	35-31.5-2-15	83	Definition applying to chapter in its former location. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-31.5-2-15 defines the term "alien" as follows: "'Alien', for purposes of IC 35-44-5, has the meaning set forth in IC 35-44-5-2." The chapter IC 35-44-5 ("Offenses Relating to Illegal Aliens") was added to the Code in 2011. In 2012, SEA 262 [P.L.126-2012] repealed IC 35-44-5 and transferred its text to a new location in the Code, IC 35-44.1-5. The section defining "alien" was transferred to IC 35-44.1-5-2. Because IC 35-31.5-2-15 has not been revised to reflect the relocation of the chapter on "Offenses Relating to Illegal Aliens", this SECTION amends IC 35-31.5-2-15 to make it read: "'Alien', for purposes of IC 35-44.1-5, has the meaning set forth in IC 35-44.1-5-2."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
80.	35-31.5-2-26.5	83	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). Subsection (a) of IC 35-43-4-6 defines three terms, "benefit", "benefit identification card", and "benefit provider", for the purposes of the section IC 35-43-4-6. The definition of "benefit identification card" is recognized in IC 35-31.5-2-27, which reads: "'Benefit identification card', for purposes of IC 35-43-4-6, has the meaning set forth in IC 35-43-4-6(a)." However, the definition of "benefit" is not recognized in IC 35-31.5-2. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-26.5, which reads: "'Benefit', for purposes of IC 35-43-4-6, has the meaning set forth in IC 35-43-4-6(a)."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
81.	35-31.5-2-27.5	83	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth</i>	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]

*in IC 35-38-1-2.5(a)*). Subsection (a) of IC 35-43-4-6 defines three terms, "benefit", "benefit identification card", and "benefit provider", for the purposes of the section IC 35-43-4-6. The definition of "benefit identification card" is recognized in IC 35-31.5-2-27, which reads: "Benefit identification card', for purposes of IC 35-43-4-6, has the meaning set forth in IC 35-43-4-6(a)." However, the definition of "benefit provider" is not recognized in IC 35-31.5-2. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-27.5, which reads: "Benefit provider', for purposes of IC 35-43-4-6, has the meaning set forth in IC 35-43-4-6(a)."

82.	35-31.5-2-32.5	83	<p>Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in IC 35-38-1-2.5(a)</i>"). Subsection (a) of 35-47-7-3 defines the term "burn" for the purposes of the section IC 35-47-7-3, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-32.5, which reads: "'Burn', for purposes of IC 35-47-7-3, has the meaning set forth in IC 35-47-7-3(a)."</p>	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
83.	35-31.5-2-44.8	83	<p>Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in IC 35-38-1-2.5(a)</i>"). IC 35-48-1-7 defines the term "cocaine" for the purposes of the article IC 35-48, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-44.8, which reads: "'Cocaine', for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-7."</p>	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
84.	35-31.5-2-56.3	83	<p>Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in IC 35-38-1-2.5(a)</i>"). IC 35-37-6-1.5(a) defines the term "confidential information" for the purposes of the chapter IC 35-37-6, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section</p>	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]

numbered IC 35-31.5-2-56.3, which reads: "'Confidential information', for purposes of IC 35-37-6, has the meaning set forth in IC 35-37-6-1.5(a)."

85.	35-31.5-2-57.8	84	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-43-7-1 defines the term "consent of the original manufacturer" for the purposes of the chapter IC 35-43-7, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-57.8, which reads: "'Consent of the original manufacturer', for purposes of IC 35-43-7, has the meaning set forth in IC 35-43-7-1."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
86.	35-31.5-2-60	84	Definition applying to section in its former location. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). Subsection (a) of IC 35-31.5-2-60 defines the term "consumer product" as follows: "'Consumer product', for purposes of IC 35-44-2-2, has the meaning set forth in IC 35-44-2-2(a)." IC 35-44-2-2, the section defining the offense of false reporting, was added to the Code in 1976. In 2012, SEA 262 [P.L.126-2012] repealed IC 35-44-2-2 and transferred its text -- including the definition of "consumer product" -- to a new location in the Code, IC 35-44.1-2-3. Because IC 35-31.5-2-60(a) has not been revised to reflect the relocation of the section defining the offense of false reporting, this SECTION amends IC 35-31.5-2-60(a) to make it read: "'Consumer product', for purposes of IC 35-44.1-2-3, has the meaning set forth in IC 35-44.1-2-3(a)."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
87.	35-31.5-2-62	84	Definition applying to section in its former location. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-31.5-2-62 defines the term "contraband" as follows: "'Contraband', for purposes of IC 35-44-3-9.3, has the meaning set forth in IC 35-44-3-9.3(a)." IC 35-44-3-9.3, the section that formerly defined the offense of trafficking with an inmate outside a facility, was added to the Code in 2006. In 2012, SEA 262 [P.L.126-2012]	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]

repealed IC 35-44-3-9.3 and transferred its text -- including the definition of "contraband -- to a new location in the Code, IC 35-44.1-3-6. Because IC 35-31.5-2-62 has not been revised to reflect the relocation of the section defining the offense of trafficking with an inmate outside a facility, this SECTION amends IC 35-31.5-2-62 to make it read: "'Contraband', for purposes of IC 35-44.1-3-6, has the meaning set forth in IC 35-44.1-3-6(a)."

88.	35-31.5-2-67.2	84	<p>Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-42-2-6(a) defines the term "corrections officer" for the purposes of the section IC 35-42-2-6, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-67.2, which reads: "'Corrections officer', for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(a)."</p>	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
89.	35-31.5-2-87	84	<p>Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-47-2.5-2 provides that, for the purposes of IC 35-47-2.5, the chapter concerning the sale of handguns, the term "dealer" includes any person licensed under 18 U.S.C. 923. However, this definition provision is not recognized in the comprehensive definitions chapter. This SECTION amends IC 35-31.5-2-87, the section in the comprehensive definitions chapter concerning the term "dealer", to add a new subsection (c) that reads: "'Dealer', for purposes of IC 35-47-2.5, includes any person licensed under 18 U.S.C. 923, as set forth in IC 35-47-2.5-2."</p>	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
90.	35-31.5-2-87.5	84	<p>Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-40-5-11(b) defines the term "defense counsel" for the purposes of the section IC 35-40-5-11, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-87.5, which reads: "'Defense counsel', for purposes of IC 35-40-5-11, has the meaning set forth in IC 35-40-5-11(b)."</p>	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]



91.	35-31.5-2-90	84	<p>Definition applying to section in its former location. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-31.5-2-90(a) defines the term "dependent" as follows: "Dependent", for purposes of IC 35-44-1-3, has the meaning set forth in IC 35-44-1-3(a)(1). IC 35-44-1-3, the section that formerly defined the offense of conflict of interest, was added to the Code in 1978. In 2012, SEA 262 [P.L.126-2012] repealed IC 35-44-1-3 and transferred its text -- including its definition of "dependent" -- to a new location in the Code, IC 35-44.1-1-4. Because IC 35-31.5-2-90(a) has not been revised to reflect the relocation of the section defining the offense of conflict of interest, this SECTION amends IC 35-31.5-2-90(a) to make it read: "Dependent", for purposes of IC 35-44.1-1-4, has the meaning set forth in IC 35-44.1-1-4(a)(1)."</p>	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
92.	35-31.5-2-95	84	<p>Definition applying to section in its former location. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-31.5-2-95 defines the term "dispatched firefighter" as follows: "'Dispatched firefighter', for purposes of IC 35-44-4, has the meaning set forth in IC 35-44-4-1." IC 35-44-4, the former chapter concerning the offense of interference with a firefighter, was added to the Code in 2001. In 2012, SEA 262 [P.L.126-2012] repealed IC 35-44-4 and transferred its text to a new location in the Code, IC 35-44.1-4. The section defining "dispatched firefighter" for purposes of the chapter became IC 35-44.1-4-1. Because IC 35-31.5-2-95 has not been revised to reflect the relocation of the section defining "dispatched firefighter" for purposes of the chapter on obstructing a firefighter, this SECTION amends IC 35-31.5-2-95 to make it read: "'Dispatched firefighter', for purposes of IC 35-44.1-4, has the meaning set forth in IC 35-44.1-4-1."</p>	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
93.	35-31.5-2-114	85	<p>Definition applying to section in its former location. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-31.5-2-114 defines the term "emergency incident area" as follows: "'Emergency incident area', for purposes of IC 35-44-4, has the meaning set forth in IC 35-44-4-2." IC 35-44-4, the former chapter concerning the offense of interference with a firefighter, was added to the Code in 2001. In 2012, SEA 262</p>	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]

[P.L.126-2012] repealed IC 35-44-4 and transferred its text to a new location in the Code, IC 35-44.1-4. The section defining "emergency incident area" for purposes of the chapter became 35-44.1-4-2. Because IC 35-31.5-2-114 has not been revised to reflect the relocation of the section defining "emergency incident area" for purposes of the chapter on obstructing a firefighter, this SECTION amends IC 35-31.5-2-114 to make it read: "'Emergency incident area', for purposes of IC 35-44.1-4, has the meaning set forth in IC 35-44.1-4-2."

94.	35-31.5-2-115	85	<p>Definition applying to section in its former location. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-31.5-2-115 defines the term "emergency medical person" as follows: "'Emergency medical person', for purposes of IC 35-44-3-8.5, has the meaning set forth in IC 35-<u>44-3-8.5(b)</u>." IC 35-44-3-8.5, the section that formerly defined the offense of obstructing an emergency medical person, was added to the Code in 1977. In 2012, SEA 262 [P.L.126-2012] repealed IC 35-44-3-8.5 and transferred its text -- including its definition of "emergency medical person" -- to a new location in the Code, IC 35-<u>44.1-4-9</u>. The definition of "emergency medical person" became subsection (a) of IC 35-<u>44.1-4-9</u>. Because IC 35-31.5-2-115 has not been revised to reflect the relocation of the section defining the offense of obstructing an emergency medical person, this SECTION amends IC 35-31.5-2-115 to make it read: "'Emergency medical person', for purposes of IC 35-<u>44.1-4-9</u>, has the meaning set forth in IC 35-<u>44.1-4-9(a)</u>."</p>	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
95.	35-31.5-2-115.2	85	<p>Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). Subsection (c) of IC 35-42-2-6 defines the term "emergency medical responder" for the purposes of IC 35-42-2-6, the section defining the offense of battery by body waste, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-115.2, which reads: "'Emergency medical responder', for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(c)."</p>	Upon passage	
96.	35-31.5-2-123.5	85	<p>Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury")</p>	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]

or direct the reader to the section in IC 35 in which the term is defined (e.g., "Crime of deception', for purposes of IC 35-38-1, *has the meaning set forth in* IC 35-38-1-2.5(a)"). Subdivision (1) of IC 35-33-10-3 defines the term "executive authority" for the purposes of IC 35-33-10-3, the Indiana version of the Uniform Criminal Extradition Act, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-123.5, which reads: "Executive authority', for purposes of IC 35-33-10-3, has the meaning set forth in IC 35-33-10-3(1)."

97	35-31.5-2-132.7	85	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-44.1-4-4 defines the term "fire protective clothing and fire protective gear" for the purposes of IC 35-44.1-4, the chapter concerning Firefighting and Emergency Services, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-132.7, which reads: "Fire protective clothing and fire protective gear', for purposes of IC 35-44.1-4, has the meaning set forth in IC 35-44.1-4-4."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
98.	35-31.5-2-135	85	Definition applying to section in its former location. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term(e.g., "Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). Subsection (b) of IC 35-31.5-2-135 defines the term "firefighter" as follows: "Firefighter', for purposes of IC 35-44-4, has the meaning set forth in IC 35-44-4-3." IC 35-44-4, the former chapter concerning the offense of interference with a firefighter, was added to the Code in 2001. In 2012, SEA 262 [P.L.126-2012] repealed IC 35-44-4 and transferred its text to a new location in the Code, IC 35-44.1-4. The section defining "firefighter" for purposes of the chapter became 35-44.1-4-3. Because IC 35-31.5-2-135(b) has not been revised to reflect the relocation of the section defining "firefighter" for purposes of the chapter on obstructing a firefighter, this SECTION amends IC 35-31.5-2-135(b) to make it read: "Firefighter', for purposes of IC 35- <u>44.1</u> -4, has the meaning set forth in IC 35- <u>44.1</u> -4- <u>3</u> ."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
99.	35-31.5-2-139.5	85	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury")	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]

or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, *has the meaning set forth in* IC 35-38-1-2.5(a)"). IC 35-45-15-2 defines the term "funds" for the purposes of the chapter IC 35-45-15, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-139.5, which reads: "'Funds', for purposes of IC 35-45-15, has the meaning set forth in IC 35-45-15-2."

100.	35-31.5-2-145	85	Definition applying to section in its former location. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-31.5-2-145 defines the term "governmental entity served by the public servant" as follows: "Governmental entity served by the public servant", for purposes of IC 35-44-1-3, has the meaning set forth in IC 35-44-1-3(a)(2). IC 35-44-1-3, the section that formerly defined the offense of conflict of interest, was added to the Code in 1978. In 2012, SEA 262 [P.L.126-2012] repealed IC 35-44-1-3 and transferred its text -- including its definition of "governmental entity served by the public servant" -- to a new location in the Code, IC 35-44.1-1-4. Because IC 35-31.5-2-145 has not been revised to reflect the relocation of the section defining the offense of conflict of interest, this SECTION amends IC 35-31.5-2-145 to make it read: "'Governmental entity served by the public servant', for purposes of IC 35-44.1-1-4, has the meaning set forth in IC 35-44.1-1-4(a)(2)."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
101.	35-31.5-2-145.3	85	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). Subdivision (1) of IC 35-33-10-3 defines the term "governor" for the purposes of IC 35-33-10-3, the Indiana version of the Uniform Criminal Extradition Act, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-145.3, which reads: "'Governor', for purposes of IC 35-33-10-3, has the meaning set forth in IC 35-33-10-3(1)."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
102.	35-31.5-2-152.5	86	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]

deception', for purposes of IC 35-38-1, *has the meaning set forth in IC 35-38-1-2.5(a)*". IC 35-45-16-1 defines the term "HIV" for the purposes of IC 35-45-16, the chapter concerning the offense of malicious mischief, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-152.5, which reads: "HIV", for purposes of IC 35-45-16, has the meaning set forth in IC 35-45-16-1."

103.	35-31.5-2-160.5	86	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in IC 35-38-1-2.5(a)</i> "). Subsection (d) of IC 35-42-2-6 defines the term "human immunodeficiency virus (HIV)" for the purposes of IC 35-42-2-6, the section defining the offense of battery by body waste, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-160.5, which reads: "'Human immunodeficiency virus (HIV)', for purposes of IC 35-42-2-6, has the meaning set forth in IC 35-42-2-6(d)."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
104.	35-31.5-2-163	86	Incorrect word. IC 35-31.5-2-163, a section in the comprehensive definitions chapter added to Title 35 by SEA 26 [P.L.114-2012], reads: "' <u>Identify</u> theft', for the purposes of IC 35-40-14, has the meaning set forth in IC 35-40-14-1." The use of the word "Identify" in IC 35-31.5-2-163 is an error. The term defined in IC 35-40-14-1 for purposes of the chapter IC 35-40-14 is " <u>identity</u> theft", not " <i>identify</i> theft". This SECTION amends IC 35-31.5-2-163 by replacing "Identify" with " <u>Identity</u> ".	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
105.	35-31.5-2-165.8	86	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in IC 35-38-1-2.5(a)</i> "). IC 35-45-10-3 defines the term "impermissible contact" for the purposes of IC 35-45-10, the chapter concerning the offense of stalking, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-165.8, which reads: "'Impermissible contact', for purposes of IC 35-45-10, has the meaning set forth in IC 35-45-10-3."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
106.	35-31.5-2-168.8	86	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term	Upon passage	K.C. Norwalk, LSA attorney [brought problem to

			(e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). Subsection (a) of IC 35-41-1-1 defines the term "Indiana" for the purposes of IC 35-41-1-1, the statute setting forth the circumstances under which an offense is considered sufficiently associated with Indiana as to permit a person to be convicted of the offense under Indiana law. However, this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-168.8, which reads: "'Indiana', for purposes of IC 35-41-1-1, has the meaning set forth in IC 35-41-1-1(a)."		OCR's attention]
107.	35-31.5-2-171	86	Definition applying to section in its former location. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term(e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-31.5-2-171 defines the term "inmate outside a facility" as follows: "'Inmate outside a facility', for purposes of IC 35-44-3-9.3, has the meaning set forth in IC 35-44-3-9.3(b)." IC 35-44-3-9.3, the section that formerly defined the offense of trafficking with an inmate outside a facility, was added to the Code in 2006. In 2012, SEA 262 [P.L.126-2012] repealed IC 35-44-3-9.3 and transferred its text -- including the definition of "inmate outside a facility" -- to a new location in the Code, IC 35-44.1-3-6. Because IC 35-31.5-2-171 has not been revised to reflect the relocation of the section defining the offense of trafficking with an inmate outside a facility, this SECTION amends IC 35-31.5-2-171(b) to make it read: "'Inmate outside a facility', for purposes of IC 35-44.1-3-6, has the meaning set forth in IC 35-44.1-3-6(b)."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
108.	35-31.5-2-173.8	86	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). Subsection (j) of IC35-43-5-1 defines the term "insurance policy" for the purposes of IC 35-43-5, the chapter concerning "Forgery, Fraud, and Other Deception". However, this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-173.8, which reads: "'Insurance policy', for purposes of IC 35-43-5, has the meaning set forth in IC 35-43-5-1(j)."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
109.	35-31.5-2-178	86	Definition applying to section in its former location. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions	Upon passage	K.C. Norwalk, LSA attorney

			chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-31.5-2-178 defines the term "juvenile facility" as follows: "'Juvenile facility', for purposes of IC 35-44-3-9, has the meaning set forth in IC 35-44-3-9(a)." IC 35-44-3-9, the section that formerly defined the offense of trafficking with an inmate, was added to the Code in 1976. In 2012, SEA 262 [P.L.126-2012] repealed IC 35-44-3-9 and transferred its text -- including the definition of "juvenile facility" -- to a new location in the Code, IC 35-44.1-3-5. Because IC 35-31.5-2-178 has not been revised to reflect the relocation of the section defining the offense of trafficking with an inmate, this SECTION amends IC 35-31.5-2-178 to make it read: "'Juvenile facility', for purposes of IC 35-44.1-3-5, has the meaning set forth in IC 35-44.1-3-5(a)."		[brought problem to OCR's attention]
110.	35-31.5-2-185	86	<p>Omitted criminal law definition provisions. IC 35-31.5-2, as added to the Code by SEA 26[P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term(e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)").</p> <p>First change: IC 35-42-2-1(b)(1) provides that, for the purposes of IC 35-42-2-1, the section defining the offense of criminal battery, the term "law enforcement officer" includes an alcoholic beverage enforcement officer. However, this definition provision is not recognized in IC 35-31.5-2-185, the section in the comprehensive definitions chapter concerning the term "law enforcement officer". This SECTION amends IC 35-31.5-2-185 by adding a new subsection (b) that reads: "'Law enforcement officer', for purposes of IC 35-42-2-1, includes an alcoholic beverage enforcement officer, as set forth in IC 35-42-2-1(b)(1)."</p> <p>Second change: IC 35-45-15-3 provides that, for the purposes of IC 35-45-15, the chapter concerning "Money Laundering", the term "law enforcement officer" includes a federal enforcement officer. However, this definition provision is not recognized in IC 35-31.5-2-185, the section in the comprehensive definitions chapter concerning the term "law enforcement officer". This SECTION amends IC 35-31.5-2-185 by adding a new subsection (c) that reads: "'Law enforcement officer', for purposes of IC 35-45-15, includes an alcoholic beverage enforcement officer, as set forth in IC 35-45-15-3."</p>	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
111.	35-31.5-2-203	87	Definition applying to section in its former location. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the	Upon passage	K.C. Norwalk, LSA attorney [brought problem to

		definition of the term(e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-31.5-2-203 defines the term "misconduct" as follows: "'Misconduct', for purposes of IC 35-44-2-2, has the meaning set forth in IC 35-44-2-2(b)."			OCR's attention]
112.	35-31.5-2-217.5	87	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). Subsection (c) of IC 35-44.1-3-2 defines the term "officer" for the purposes of IC 35-44.1-3-2, the section defining the offense of disarming a law enforcement officer, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-217.5, which reads: "Officer", for purposes of IC 35-44.1-3-2, has the meaning set forth in IC 35-44.1-3-2(a)."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
113.	35-31.5-2-218.5	87	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-36-1-1 defines the term "omnibus date" for the purposes of IC 35-36, the article concerning "Pretrial Notices, Motions, and Procedures", but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-218.5, which reads: "Omnibus date", for purposes of IC 35-36, has the meaning set forth in IC 35-36-1-1."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
114.	35-31.5-2-230	87	Definition applying to section in its former location. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]



is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, *has the meaning set forth in IC 35-38-1-2.5(a)*"). IC 35-31.5-2-230 defines the term "pecuniary interest" as follows: "'Pecuniary interest', for purposes of IC 35-44-1-3 and IC 35-44-1-7, has the meaning set forth in IC 35-44-1-3(a)(3)." IC 35-44-1-3, the section that formerly defined the offense of false informing, was added to the Code in 1978. The definition of "pecuniary interest" set forth in its subsection (a)(3) applied not only to IC 35-44-1-3 but also to IC 35-44-1-7, the section defining the offense of s profiteering from public service. In 2012, SEA 262 [P.L.126-2012] repealed IC 35-44-1-3 and transferred its text -- including the definition of "pecuniary interest" -- to a new location in the Code, IC 35-44.1-1-4. SEA 262 also repealed IC 35-44-1-7 and relocated its text to IC 35-44.1-1-5. Because IC 35-31.5-2-203 has not been revised to reflect the relocation of the sections defining the offenses of false informing and profiteering from public service, this SECTION amends IC 35-31.5-2-230 to make it read: "'Pecuniary interest', for purposes of IC 35-44.1-1-4 and IC 35-44.1-1-5, has the meaning set forth in IC 35-44.1-1-4(a)(3).

115. 35-31.5-2-234 87

Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' *means* force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, *has the meaning set forth in IC 35-38-1-2.5(a)*"). The definition of the term "family or household member" added to the Code at IC 35-31.5-2-128 by SEA 26 [P.L.114-2012] was formerly found at IC 35-41-1-10.6. IC 35-41-1-22(b), another former definition section repealed by SEA 26, provided that the term "person", as used in the definition of "family or household member" in IC 35-41-1-10.6, meant "an adult or a minor". The intent of SEA 26 was no doubt to transfer to the new comprehensive definitions chapter (IC 35-31.5-2) not only the text of the definition of "family or household member" but also the definition of the term "person" *as used in* the definition of "family or household member". However, the definition of "person" as used in the definition of "family or household member" formerly found at IC 35-41-1-22(b) is not recognized in IC 35-31.5-2, the comprehensive definitions chapter. This SECTION amends IC 35-31.5-2-234, the section of the comprehensive definitions chapter concerning "family or household member", to add a new subsection (d) that reads: "'Person', for purposes of section 128 of this chapter, means an adult or a minor."

Upon passage

K.C. Norwalk,  
LSA attorney  
[brought problem to  
OCR's attention]

Additional change: Subsection (a) of IC 35-31.5-2-234 sets forth a general definition: "'Person' means a human being, corporation, limited liability company, partnership, unincorporated association, or governmental entity." The definition in subsection (a) is presumably intended, in the words of IC 35-31.5-1-1, to "apply throughout (Title 35) and to all other statutes relating to penal offenses." Subsections (b) and (c) of IC 35-31.5-2-234 and the new subsection (d) being added to IC 35-31.5-2-234 by this SECTION are, by contrast, limited definitions that apply only to certain chapters

or to a certain section ("for purposes of IC 35-43-6 ... for purposes of IC 35-43-9 ... for purposes of section 128 of this chapter"). To clarify the difference between the general definition and the limited definitions, this SECTION also amends subsection (a) of IC 35-31.5-2-234 to read: "(a) Except as provided in subsections (b) through (d), 'person' means a human being, corporation, limited liability company, partnership, unincorporated association, or governmental entity."

116.	35-31.5-2-235.7	87	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). Subsection (b) of IC 35-33-5-1 defines the term "place" for the purposes of IC 35-33-5-1, the section concerning the authority of a court to issue a warrant to search a place, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-235.7, which reads: "'Place', for purposes of IC35-33-5-1, has the meaning set forth in IC 35-33-5-1(b)."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
117.	35-31.5-2-237	88	Definition applying to section in its former location. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-31.5-2-237 defines the term "police radio" as follows: "'Police radio', for purposes of IC 35-44-3-12, has the meaning set forth in IC 35-44-3-12(c)." IC 35-44-3-12, the former section defining the offense of unlawful use of a police radio, was added to the Code in 1977. In 2012, SEA 262 [P.L.126-2012] repealed IC 35-44-3-12 and transferred its text -- including its definition of "police radio" -- to a new location in the Code, IC 35-44.1-2-7. Because 35-31.5-2-237 has not been revised to reflect the relocation of the section defining the offense of unlawful use of a police radio, this SECTION amends IC 35-31.5-2-237 to make it read: "'Police radio', for purposes of IC 35-44.1-2-7, has the meaning set forth in IC 35-44.1-2-7(c)."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
118.	35-31.5-2-244	88	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)").	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]

Subsection (a)(4) of IC 35-42-2-8 defines the term "prescription drug" for the purposes of IC 35-42-2-8, the section defining the offense of interference with medical services, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to IC 35-31.5-2-244, the section of the comprehensive definitions chapter concerning the term "prescription drug", a new subsection (b) that reads: "Prescription drug', for purposes of IC 35-42-2-8, has the meaning set forth in IC 35-42-2-8(a)(4)."

119.	35-31.5-2-248.2	88	<p>Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-48-1-26 defines the term "production" for the purposes of IC 35-48, the article of Title 35 concerning Controlled Substances, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-248.2, which reads: "'Production', for purposes of IC35-48, has the meaning set forth in IC 35-48-1-26."</p>	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
120.	35-31.5-2-262	88	<p>Replacing a redundant definition with a provision directing the reader to the original definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). Where a definition of a term already exists in another part of Title 35, the section in IC 35-31.5-2 relating to that term generally directs the reader to the section in that other part of Title 35 that defines the term. The term "publicly paid costs of representation" is defined in IC 35-33-8-1.5, a section that was added to the chapter on "Bail and Bail Procedure" in 1987. However, IC 35-31.5-2-262, the section of the comprehensive definitions chapter relating to the term "publicly paid costs of representation", repeats the definition of "publicly paid costs of representation" found at IC 35-33-8-1.5 instead of directing the reader to the definition found at IC 35-33-8-1.5. This SECTION amends IC 35-31.5-2-262 so as to transform it from a section defining "publicly paid costs of representation" to a section that directs the reader to the definition of "publicly paid costs of representation" found at IC 35-33-8-1.5.</p>	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
121.	35-31.5-2-273.2	88	<p>Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term</p>	Upon passage	K.C. Norwalk, LSA attorney [brought problem to

			(e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). Subsection (b) of IC 35-45-3-2 defines the term "refuse" for the purposes of IC 35-45-3-2, the section defining the infraction of littering, but this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-273.2, which reads: "'Refuse', for purposes of IC35-45-3-2, has the meaning set forth in IC 35-45-3-2(b)."		OCR's attention]
122.	35-31.5-2-273.3	88	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-47.5-2-13 defines the term "regulated explosive" for the purposes of the article IC 35-47.5, "Controlled Explosives". However, this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-273.3, which reads: "'Regulated explosive', for purposes of IC 35-47.5, has the meaning set forth in IC 35-47.5-2-13."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
123.	35-31.5-2-296	88	Definition applying to section in its former location. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-31.5-2-296, the section in the comprehensive definitions chapter concerning the term "service provider", reads as follows: "Service provider', for purposes of IC 35-44-1-5, has the meaning set forth in IC 35-44-1-5(a)." IC 35-44-1-5, the former section defining the offense of sexual misconduct, was added to the Code in 1987. Subsection (a) of IC 35-44-1-5 defined the term "service provider" for purposes of the section. In 2012, SEA 262 [P.L.126-2012] repealed IC 35-44-1-5 and transferred its text -- including its definition of "service provider" -- to a new location in the Code, IC 35-44.1-3-10. Because 35-31.5-2-296 has not been revised to reflect the relocation of the section defining the offense of sexual misconduct, this SECTION amends IC 35-31.5-2-296 to make it read: "'Service provider', for purposes of IC 35-44.1-3-10, has the meaning set forth in IC 35-44.1-3-10(a).	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
124.	35-31.5-2-311	88	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term	Upon passage	K.C. Norwalk, LSA attorney [brought problem to

		(e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-37-5-1 defines the term "state" for the purposes of IC 35-37-5, the chapter entitled "Uniform Act to Secure the Attendance of Witnesses From Outside the State in Criminal Proceedings". However, this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to IC 35-31.5-2-311, the section of the comprehensive definitions chapter concerning the term "state", a new subsection (b) that reads: "State', for purposes of IC 35-37-5, has the meaning set forth in IC 35-37-5-1."		OCR's attention]
125.	35-31.5-2-316.8 89	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-37-5-1 defines the term "subpoena" for the purposes of IC 35-37-5, the chapter entitled "Uniform Act to Secure the Attendance of Witnesses From Outside the State in Criminal Proceedings". However, this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-316.8, which reads: "Subpoena', for purposes of IC 35-37-5, has the meaning set forth in IC 35-37-5-1."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
126.	35-31.5-2-330.3 89	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-45-9-2 defines the term "threatens" for the purposes of IC 35-45-9, the chapter entitled "Criminal Gang Control". However, this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-330.3, which reads: "'Threatens', for purposes of IC 35-45-9, has the meaning set forth in IC 35-45-9-2."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
127.	35-31.5-2-330.7 89	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' <i>means</i> force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)").	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]

IC 35-43-8-1 defines the term "timber" for the purposes of IC 35-43-8, the chapter entitled "Timber Spiking". However, this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-330.7, which reads: "'Timber', for purposes of IC 35-43-8, has the meaning set forth in IC 35-43-8-1."

128.	35-31.5-2-333.9	89	Omitted criminal law definition. IC 35-31.5-2, as added to the Code by SEA 26 [P.L.114-2012], was intended to be a comprehensive definitions chapter that would, for every term that is defined in IC 35, either set forth the definition of the term (e.g., "'Deadly force' means force that creates a substantial risk of serious bodily injury") or direct the reader to the section in IC 35 in which the term is defined (e.g., "'Crime of deception', for purposes of IC 35-38-1, <i>has the meaning set forth in</i> IC 35-38-1-2.5(a)"). IC 35-46-1-1.7 defines the term "tobacco" for the purposes of IC 35-46-1, the chapter that makes the sale of tobacco to a person less than eighteen (18) years of age an infraction. However, this definition is not recognized in the comprehensive definitions chapter. This SECTION adds to the comprehensive definitions chapter a new section numbered IC 35-31.5-2-333.9, which reads: "'Tobacco', for purposes of IC 35-46-1, has the meaning set forth in IC 35-46-1-1.7."	Upon passage	K.C. Norwalk, LSA attorney [brought problem to OCR's attention]
129.	35-38-1-5	89	Expired subsection. Subsection (b) of IC 35-38-1-5 has expired by its own terms. ("This subsection expires June 30, 2012.") This SECTION amends IC 35-38-1-5 by striking the expired subsection (b). Also, because IC 35-38-1-5 will consist only of the contents of subsection (a) after the striking of subsection (b), this SECTION eliminates the subsection designation of subsection (a).	Upon passage	
130.	35-38-2-2.3	89	Conflict resolution. IC 35-38-2-2.3 was amended in different ways by two 2012 acts, SEA 154 [P.L.40-2012] and HEA 1200 [P.L.147-2012]. Consequently, the Indiana Code now contains two versions of IC 35-38-2-2.3. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 35-38-2-2.3.	Upon passage	
131.	35-44.1-4-9	92	Inserting language limiting definition to the section in which it appears. Subsection (a) of IC 35-44.1-4-9 reads: "'Emergency medical person' means a person who holds a certificate issued by the Indiana emergency medical services commission to provide emergency medical services." This definition of the term "emergency medical person" applies to IC 35-44.1-4-9 (the section in which it appears) and does not apply to any other section in IC 35 because no other section -- except for the section in the comprehensive definitions chapter recognizing IC 35-44.1-4-9(a) as a definition within IC 35 -- contains the term "emergency medical person". In conformity with our drafting convention		

concerning definitions applying only within the sections in which they appear, this SECTION amends IC 35-44.1-4-9(a) so as to make it read: "As used in this section, 'emergency medical person' means . . ."

132.	35-44.2-4-2	92	Slightly inaccurate reference to another Code section. IC 35-44.2-4-2, as added by SEA 262 [P.L.126-2012], contains a subsection (b) that reads: "An employee of a state agency who makes a false representation to obtain a Social Security number is <i>subject to criminal prosecution under IC 4-1-10-9</i> ." Consequently, IC 35-44.2-4-2(b) is not a provision that, in and of itself, subjects a person to criminal prosecution. Rather, IC 35-44.2-4-2(b) merely states the fact that a person who takes an action declared by IC 4-1-10-9 to be a crime is subject to criminal prosecution under IC 4-1-10-9. However, IC 35-44.2-4-2's reference to the provisions of IC 4-1-10-9 is slightly inaccurate. IC 4-1-10-9 states: "A person who knowingly, intentionally, or recklessly makes a false representation to a state agency to obtain a Social Security number <u>from the state agency</u> commits a Class D felony." IC 35-44.2-4-2(b), in referring to the terms of IC 4-1-10-9, does not reflect the fact that a person is subject to criminal prosecution under IC 4-1-10-9 only if the person makes a false representation to a state agency to obtain a Social Security number <u>from the state agency</u> . Because the substantive provision in question is IC 4-1-10-9, not IC 35-44.2-4-2(b), it seems appropriate to correct the slight inaccuracy in IC 35-44.2-4-2(b) through the technical corrections bill. Therefore, this SECTION amends IC 35-44.2-4-2(b) to make it read: "An employee of a state agency who makes a false representation to obtain a Social Security number <u>from the state agency</u> is subject to criminal prosecution under IC 4-1-10-9."	Upon passage	Andy Hedges, LSA attorney [brought problem to OCR's attention]
133.	35-45-6-1	93	Conflict resolution. IC 35-45-6-1 was amended in different ways by two 2012 acts, SEA 262 [P.L.126-2012] and HEA 1258 [P.L.149-2012]. Consequently, the Indiana Code now contains two versions of IC 35-45-6-1. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 35-45-6-1.	Upon passage	
134.	35-50-1-2	94	Conflict resolution. IC 35-50-1-2 was amended in different ways by two 2012 acts, SEA 257 [P.L.125-2012] and SEA 262 [P.L.126-2012]. Consequently, the Indiana Code now contains two versions of IC 35-50-1-2. The two versions are technically and substantively compatible, so this SECTION merges the two versions so that the Indiana Code will again contain only one version of IC 35-50-1-2.	Upon passage	
135.	35-51-6-1	96	Incorrect reference to agency. IC 35-51-6-1, as amended by HEA 1047 [P.L.6-2012], lists sections within Title 6 of the Code that define crimes. The third item in the list reads: "IC 6-1.1-37-2 (Concerning officials or representatives of the department of local government)." The reference to "the department of local	Upon passage	

government" must incorrect, as there is no Indiana entity named "the Department of Local Government". That reference must have been intended as a reference to the department of local government *finance*. This SECTION corrects the reference by inserting "finance" after "department of local government".

136.	35-51-25-1	97	Incorrect Code section reference. IC 35-51-25-1 contains a list of the Code sections within Title 25 that define crimes. The list includes a reference to "IC 25-23.6-4.7-7 (Concerning marriage and family therapists)." This reference cannot be right because there is no chapter numbered "4.7" in IC 25-23.6. The list in IC 35-51-25-1 correctly identifies all of the Code sections in IC 25-23.6 (the law concerning marriage and family therapists) that impose criminal penalties, except one. The one section within IC 25-23.6 that imposes criminal penalties and is <i>not</i> listed in IC 35-51-25-1 is IC 25-23.6-7-7. The appearance of "IC 25-23.6-4.7-7" in IC 35-51-25-1 must be the product of a typographical error. The intent must have been to include "IC 25-23.6-7-7" in the list instead of "IC 25-23.6-4.7-7". This SECTION amends IC 35-51-25-1's list of Code sections within Title 25 that define crimes by replacing "IC 25-23.6-4.7-7" with "IC 25-23.6-7-7".	Upon passage
137.	36-1-3-8	99	Missing word. IC 36-1-3-8, which specifies the powers of a unit of local government, provides in its subsection (a)(10)(A) that a unit is not empowered to prescribe a penalty of "(m)ore than ten thousand dollars (\$10,000) for the violation of an ordinance or a regulation concerning air emissions adopted by a county that has received approval to establish an air program under IC 13-17-12-6." The term "air program", as it appears in (a)(10)(A), is missing the word " <i>permit</i> ". IC 13-17-12-6, the Code section referred to in (a)(10)(A), authorizes a county having a consolidated city to "establish an air <i>permit</i> program". This SECTION amends IC 36-1-3-8 so as to make its subsection (a)(10)(A) read: " ... a county that has received approval to establish an air <u>permit</u> program under IC 13-17-12-6."	Upon passage
138.	36-1-20.2-4	100	Need to modify definition style. IC 36-1-20.2 is a new chapter that was added to the Code by HEA 1005 [P.L.135-2012]. Its subject is nepotism. Section 4 of the chapter (IC 36-1-20.2-4) purports to define the term "direct line of supervision" for the purposes of the chapter. IC 36-1-20.2-4 reads in pertinent part as follows (with emphasis added): "As used in this chapter, 'direct line of supervision' means <i>an elected officer or employee</i> who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation." This definition literally states that "direct line of supervision" means <i>a person</i> ("an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment"). In fact, in view of the way in which the term is used elsewhere in the chapter, "direct line of supervision" cannot mean <i>a person</i> . Rather, "direct line of supervision" refers to <i>a situation</i> that may	Upon passage



exist *between two persons* -- i.e., one person may be in the direct line of supervision of another person. IC 36-1-20.2-4 is drafted in a style typical of definition sections. However, because the term being defined is not a person or thing but rather *a situation*, the style in which IC 36-1-20.2-4 is drafted is problematic. This SECTION revises the style of IC 36-1-20.2-4, modifying the text to read as follows: "For the purposes of this chapter, an individual is in the direct line of supervision of an elected officer or employee if the elected officer or employee is in a position to affect the terms and conditions of the individual's employment, including making decisions about work assignments ...".

139.	36-2-7-10	100	Incorrect Code section reference. Subsection (b) is stricken in IC 36-2-7.5-6 and subsection (c) is redesignated as subsection "(b)". This SECTION re-designates the cross-reference to IC 36-2-7.5-6(c)(1) to "IC 36-2-7.5-6(b)(1)".	Upon passage
140.	36-2-7-19	104	Incorrect Code section reference. Subsection (b) is stricken in IC 36-2-7.5-6 and subsection (c) is redesignated as subsection "(b)". This SECTION re-designates the cross-reference to IC 36-2-7.5-6(c)(3) to "IC 36-2-7.5-6(b)(3)".	Upon passage
141.	36-2-7.5-6	104	Expired subsection. Subsection (b) of IC 36-2-7.5-6 has expired by its own terms. ("This subsection expires July 1, 2011.") This SECTION amends IC 36-2-7.5-6 by striking the expired subsection (b) and re-designating subsection (c) as "(b)".	Upon passage
142.	36-2-7.5-11	104	Incorrect Code section reference. Subsection (b) is stricken in IC 36-2-7.5-6 and subsection (c) is redesignated as subsection "(b)". This SECTION re-designates the cross-reference to "under... section 6(c) of this chapter (after June 30, 2011)" to "section 6(b) of this chapter".	Upon passage
143.	36-12-2-25	105	Wrong conjunction and missing proposition. In IC 36-12-2-25, as amended by HEA 1283 [P.L.84-2012], subsection (c) requires a library board to "set and charge a fee for a local library <u>card</u> issued under subsection (b)(2) <u>and</u> (b)(3). A single library card would not be issued under both subsection (b)(2) <i>and</i> subsection (b)(3) because subsection (b)(2) provides for the issuance of library cards to "Indiana residents who are not residents of the library district" and subsection (b)(3) provides for the issuance of library cards to "individuals who reside out of state and who are being served through an agreement under IC 36-12-13." This SECTION amends subsection (c) to read: " ... a fee for a local library card issued under subsection (b)(2) <u>or</u> (b)(3)." This SECTION also inserts "from" into subsection (d)(1)(B) of IC 36-12-2-25, making it read: " ... students in any grade <u>from</u> preschool through grade 12".	Upon passage

144.	36-12-5-3	105	Word mistakenly not stricken. The first sentence of IC 36-12-5-3 formerly read as follows: "When the library board presents the township trustee and legislative body <u>with</u> a proposal of expansion ...". This sentence was amended by HEA 1283 [P.L.84-2012] to read: "The library board of a public library may file with the township trustee and legislative body <u>with</u> a proposal of expansion ...". The word "with" following "legislative body" and preceding "a proposal" serves no purpose in the new version of the sentence and should have been stricken by the 2012 amendment. This SECTION amends IC 36-12-5-3 to remove that "with".	Upon passage	Steve Wenning, LSA attorney [brought problem to OCR's attention]
145.	36-12-5-6	107	Word mistakenly not stricken. The first sentence of IC 36-12-5-6 formerly read as follows: "Whenever a library board presents the legislative body of a county <u>with</u> a proposal of expansion ...". This sentence was amended by HEA 1283 [P.L.84-2012] to read: "The library board of a public library may file with the legislative body of a county <u>with</u> a proposal of expansion ...". The word "with" following "legislative body of a county" and preceding "a proposal" serves no purpose in the new version of the sentence and should have been stricken by the 2012 amendment. This SECTION amends IC 36-12-5-6 to remove that "with".	Upon passage	Steve Wenning, LSA attorney [brought problem OCR's attention]

**(2) AMENDMENTS TO NON-CODE SECTIONS:**

None.

**(3) REPEALERS OF NON-CODE SECTIONS:**

None.

**(4) EMERGENCY CLAUSE:**

146. **An emergency is declared for this act.**